

HOUSE No. 4139

House bill No. 4135, as amended by the House. October 18, 2023.

The Commonwealth of Massachusetts

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

An Act modernizing firearm laws.

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. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as
2 appearing in the 2022 Official Edition, is hereby amended by striking out subclause (j) and
3 inserting in place thereof the following subclause:-

4 (j) the names and addresses of any persons contained in, or referred to in, any
5 applications for any licenses to carry or possess firearms issued pursuant to chapter 140 or any
6 long gun permits issued pursuant to said chapter 140 and the names and addresses on sales or
7 transfers of any firearms or ammunition therefor, as defined in said chapter 140 and the names
8 and addresses on said licenses or permits;.

9 SECTION 2. Section 172M of chapter 6 of the General Laws, as so appearing, is hereby
10 amended by striking out, in line 3, the figure “122” and inserting in place thereof the following
11 figure:- 125.

12 SECTION 3. Said section 172M of said chapter 6, as so appearing, is hereby further
13 amended by striking out, in lines 6 and 7, the words:- “and unmonitored contact with firearms,

14 shotguns or rifles” and inserting in place thereof the following words:- contact with firearms, as
15 defined in section 121 of said chapter 140.

16 SECTION 4. Section 5J of chapter 18 of the General Laws, as so appearing, is hereby
17 amended by striking out, in lines 9 to 11, inclusive, the words “firearms dealers licensed pursuant
18 to section 122 of chapter 140 and ammunicions dealers licensed pursuant to section 122B of
19 said” and inserting in place thereof the following words:- persons licensed pursuant to section
20 125 of.

21 SECTION 5. Section 2LLL of chapter 29 of the General Laws, as so appearing, is hereby
22 amended by striking out, in lines 8 and 9, the words “fee assessed under sections 122, 122B,
23 129B, 131, 131A, 131F, and 131H” and inserting in place thereof the following words:- fees
24 assessed under section 123B for licenses and permits issued pursuant to sections 124 to 124C,
25 inclusive, 124E, 125 and 125B.

26 SECTION 6. Section 22F of chapter 40 of the General Laws, as so appearing, is hereby
27 amended by striking out, in line 17, the number “131N” and inserting in place thereof the
28 number:- 131H.

29 SECTION 7. Section 10B of chapter 66 of the General Laws, as so appearing, is hereby
30 amended by striking out, in lines 7 and 8, the following words:- , rifles, shotguns, machine guns.

31 SECTION 8. Said section 10B of said chapter 66, as so appearing, is hereby further
32 amended, in line 14, by inserting after the word “request” the following words:- provided,
33 however, that nothing in this section shall prohibit the transmission of data and other information
34 to the department of criminal justice information services and its use pursuant to section 122B of
35 chapter 140.

36 SECTION 9. Section 26 of chapter 90B of the General Laws, as so appearing, is hereby
37 amended by striking out, in line 66, the words “rifle or shotgun” and inserting in place thereof
38 the following words:- as defined in section 121 of chapter 140,.

39 SECTION 10. Said section 26 of said chapter 90B, as so appearing, is hereby further
40 amended by striking out, in lines 68 to 69, inclusive, the words “such firearm, rifle or shotgun is
41 unloaded and in an enclosed case” and inserting in place thereof the following words:- such
42 person possesses the required firearms license or permit issued under sections 124 to 124B,
43 inclusive, of chapter 140 and carries such firearm in compliance with section 126B of chapter
44 140. Any violation of this subsection shall be penalized in accordance with section 126B of
45 chapter 140.

46 SECTION 11. Section 244 of chapter 111 of the General Laws, as so appearing, is hereby
47 amended by striking out, in line 48, the words “131R to 131Y” and inserting in place thereof the
48 following words:- 131 to 131H.

49 SECTION 11A. Chapter 118E of the General Laws, as appearing in the 2022 Official
50 Edition, is hereby amended by adding the following 2 sections:-

51 Section 83. (a) As used in this section, the following words shall, unless the context
52 clearly requires otherwise, have the following meanings:

53 “Community violence”, intentional acts of interpersonal violence committed in public
54 areas by individuals who are not family members or intimate partners of the victim.

55 “Community violence prevention and intervention services”, evidence-based, trauma-
56 informed, supportive and non-psychotherapeutic services provided by a certified violence

57 prevention professional within or outside of a clinical setting, for the purpose of promoting
58 improved health outcomes and positive behavioral change, preventing injury recidivism and
59 reducing the likelihood that an individual who is a victim of community violence will commit or
60 promote community violence. “Community violence prevention services”, shall include, but
61 shall not be limited to, the provision of peer support and counseling, mentorship, conflict
62 mediation, crisis intervention, targeted case management, referrals to a certified violence
63 prevention professional, licensed health care professionals or social services providers, patient
64 education or screening services to victims of community violence.

65 “Interpersonal violence”, the intentional use of physical force or power against other
66 persons by an individual or small group of individuals.

67 “Prevention professional”, shall have the same meaning as described by the National
68 Uniform Claim Committee , or its successor, pursuant to NUCC Code Number 405300000X.

69 “Certified violence prevention professional”, a prevention professional certified pursuant
70 to subsections (c) and (d) of this section.

71 (b)(1) The secretary of health and human services shall amend the Medicaid state plan to
72 make community violence prevention services available, subject to federal law and approval, to
73 any Medicaid beneficiary who has: (A)(i) received medical treatment for an injury sustained as a
74 result of an act of community violence; or (ii) been referred by local or state police as being at
75 risk for engagement in community violence or a victim of community violence; and (B) been
76 referred by a certified or licensed health care provider or social services provider to receive
77 community violence prevention services from a certified violence prevention professional, after

78 such provider determines such beneficiary to be at an elevated risk of a violent injury or
79 retaliation resulting from a subsequent act of community violence.

80 (2) The secretary of health and human services shall seek any federal approvals necessary
81 to implement this section, including, but not limited to, state plan amendments or federal waivers
82 by the federal Centers for Medicare and Medicaid Services. This subsection shall be
83 implemented only to the extent that federal financial participation is available, and any necessary
84 federal approvals have been obtained.

85 (3) The provisions of this subsection shall be implemented only to the extent permitted by
86 federal law.

87 (c) Any prevention professional seeking certification as a certified violence prevention
88 professional shall complete: (i) not less than 6 months of full-time equivalent experience in
89 providing community violence prevention services, (ii) complete a training and certification
90 program for certified violence prevention professionals, approved pursuant to subsection (d),
91 maintain such certification and complete any other requirements as established by the executive
92 office.

93 (d)(1) The executive office shall approve at least 1 training and certification program for
94 certified violence prevention professionals. Such program shall include:

95 (i) not less than 35 hours of initial training, collectively addressing all of the following:

96 (A) The profound effects of trauma and violence and the basis of trauma-informed care;

97 (B) national best practices regarding community violence prevention and intervention
98 strategies, including, but not limited to, methods to support long term behavioral change, conflict
99 mediation, retaliation prevention related to community violence;

100 (C) case management and advocacy practices; and

101 (D) patient privacy and the federal Health Insurance Portability and Accountability Act of
102 1996, P.L. 104-191, as amended, (HIPAA).

103 (ii) not less than 6 hours of continuing education every 2 years.

104 (e) Any entity that employs or contracts with a certified violence prevention professional
105 to provide community violence prevention services shall:

106 (i) maintain documentation that each certified violence prevention professional has met
107 all of the conditions described in subsections (c) and (d); and

108 (ii) Ensure that each certified violence prevention professional is providing community
109 violence prevention services in compliance with any applicable standards of care, rules,
110 regulations and state and federal law.

111 (f) No person, unless certified as a violence prevention professional pursuant to this
112 section, may use the title “certified violence prevention professional” or make use of any title,
113 words, letters, abbreviations or insignia indicating or implying that they are a certified violence
114 prevention professional.

115 (g) Nothing in this section shall alter the scope of practice for any health care
116 professional.

117 SECTION 12. Section 35 of chapter 123 of the General Laws, as so appearing, is hereby
118 amended by striking out, in lines 114 and 115, the words “firearm identification card pursuant to
119 section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F” and
120 inserting in place thereof the following words:- firearms license or permit pursuant to sections
121 124 to 124B, inclusive,.

122 SECTION 13. Said section 35 of said chapter 123, as so appearing, is hereby further
123 amended by striking out, in line 122, the words “rifle or shotgun” and inserting in place thereof
124 the following words:- as defined in section 121 of chapter 140.

125 SECTION 14. Section 36C of said chapter 123 of the General Laws, as so appearing, is
126 hereby amended by striking out, in lines 8 and 9, the words “firearm identification card pursuant
127 to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said
128 chapter” and inserting in place thereof the following words:- firearms license or permit pursuant
129 to sections 124 to 124B, inclusive, of chapter.

130 SECTION 15. Section 11 of chapter 131 of the General Laws, as so appearing, is hereby
131 amended by striking out, in lines 35 and 36, the words “one hundred and thirty-one H of chapter
132 one hundred and forty” and inserting in place thereof the following words:- 124B of chapter 140.

133 SECTION 16. Said chapter 131, as so appearing, is hereby further amended by striking
134 out section 62 and inserting in place thereof the following section:-

135 Section 62. A person, with a percentage, by weight, of alcohol in their blood of eight one-
136 hundredths or greater, or while under the influence of intoxicating liquor, or of marihuana,
137 narcotic drugs, depressant or stimulant substances, all as defined in section 1 of chapter 94C, or
138 who intentionally smells or inhales the fumes of any substance having the property of releasing

139 toxic vapors in violation of section 18 of chapter 270, shall not hunt or carry a firearm, bow and
140 arrow or other weapon while engaged in hunting or target shooting. A violation of this section
141 shall be punished by a fine of not more than \$5,000 or by imprisonment in the house of
142 correction for not more than 2 ½ years, or by both such fine and imprisonment.

143 SECTION 17. Section 90 of said chapter 131, as so appearing, is hereby amended by
144 striking out, in line 7, the figure “, 62”.

145 SECTION 18. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby
146 amended by striking out, in line 1, the figure “131Y” and inserting in place thereof the following
147 figure:- 131H.

148 SECTION 19. Said section 121 of said chapter 140, as so appearing, is hereby further
149 amended by striking out the definition of “Ammunition” and inserting in place thereof the
150 following 3 definitions:-

151 “Additive manufacturing”, a process in which material is added to produce a product,
152 including, but not limited to 3-dimensional printing.

153 “Ammunition”, cartridges or cartridge cases, primers (igniter), bullets or propellant
154 powder designed for use in any firearm; provided, that “ammunition” shall also mean tear gas
155 cartridges.

156 “Antique firearm”, any firearm or replica thereof manufactured in or prior to the year
157 1899 if such firearm: (i) is not designed or redesigned for using rimfire or conventional centerfire
158 fixed ammunition; or (ii) uses rimfire or conventional centerfire fixed ammunition that is no
159 longer manufactured in the United States and which is not readily available in the ordinary

160 channels of commercial trade; provided, that “antique firearm” shall include any muzzle loading
161 rifle, shotgun or pistol that is designed to use black powder, or a black powder substitute, and
162 that cannot use fixed ammunition, unless the firearm: (i) incorporates a firearm frame or
163 receiver; (ii) is converted into a muzzle loading weapon; or (iii) is a muzzle loading weapon that
164 can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or
165 any combination thereof.

166 SECTION 20. Said section 121 of said chapter 140, as so appearing, is hereby further
167 amended by striking out the definition of “Assault weapon” and inserting in place thereof the
168 following 5 definitions:-

169 “Assault-style firearm”, any firearm which is:

170 (a) A semiautomatic, centerfire rifle with the capacity to accept a detachable feeding
171 device and includes any of the following features: (i) a folding or telescopic stock; (ii) a
172 thumbhole stock or pistol grip; (iii) a forward grip or second handgrip or protruding grip that can
173 be held by the non-trigger hand; (iv) a threaded barrel designed to accommodate a flash
174 suppressor or muzzle break or similar feature; or (v) a shroud that encircles either all or part of
175 the barrel designed to shield the bearer’s hand from heat, excluding a slide that encloses the
176 barrel.

177 (b) A semiautomatic pistol with the capacity to accept a detachable feeding device and
178 includes any of the following features: (i) the capacity to accept a feeding device that attaches to
179 the pistol outside of the pistol grip; (ii) a second handgrip or a protruding grip that can be held by
180 the non-trigger hand; (iii) a threaded barrel capable of accepting a flash suppressor, forward

181 handgrip or silencer; or (iv) a shroud that encircles either all or part of the barrel designed to
182 shield the bearer's hand from heat, excluding a slide that encloses the barrel.

183 (c) A semiautomatic shotgun with the capacity to accept a detachable feeding device and
184 includes any of the following features: (i) a folding or telescopic stock; (ii) a thumbhole stock or
185 pistol grip; or (iii) a protruding grip for the non-trigger hand.

186 (d) Any firearm listed on the assault-style firearm roster pursuant to section 128A.

187 (e) All of the following rifles:

188 (i) All AK types, including the following: AK, AK47, AK47S, AK-74, AKM, AKS,
189 ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA85, SA93, Vector
190 Arms AK-47, VEPR, WASR-10 and WUM, IZHMAASH Saiga AK, MAADI AK47 and ARM,
191 Norinco 56S, 56S2, 84S and 86S, Poly Technologies AK47 and AKS and SKS with a detachable
192 feeding device;

193 (ii) All AR types, including the following: AR-10, AR-15, Alexander Arms Overmatch
194 Plus 16, Armalite M15 22LR Carbine, Armalite M15-T, Barrett REC7, Beretta AR-70, Black
195 Rain Ordnance Recon Scout, Bushmaster ACR, Bushmaster Carbon 15, Bushmaster MOE
196 series, Bushmaster XM15, Chiappa Firearms MFour rifles, Colt Match Target rifles, CORE Rifle
197 Systems CORE15 rifles, Daniel Defense M4A1 rifles, Devil Dog Arms 15 Series rifles,
198 Diamondback DB15 rifles, DoubleStar AR rifles, DPMS Tactical rifles, DSA Inc. ZM-4
199 Carbine, Heckler & Koch MR556, High Standard HSA-15 rifles, Jesse James Nomad AR-15
200 rifles, Knight's Armament SR-15, Lancer L15 rifles, MGI Hydra Series rifles, Mossberg MMR
201 Tactical rifles, Noreen Firearms BN 36 rifle, Olympic Arms, POF USA P415, Precision Firearms
202 AR rifles, Remington R-15 rifles, Rhino Arms AR rifles, Rock River Arms LAR-15, Sig Sauer

203 SIG516, M400 and SIG716 rifles, Smith & Wesson M&P15 rifles, Stag Arms AR rifles, Sturm,
204 Ruger & Co. SR556 and AR-556 rifles, Uselton Arms Air-Lite M-4 rifles, Windham Weaponry
205 AR rifles, WMD Guns Big Beast, Yankee Hill Machine Company, Inc. YHM-15 rifles;

206 (iii) Barrett M107A1 and M82A1;

207 (iv) Beretta CX4 Storm;

208 (v) Calico Liberty Series;

209 (vi) CETME Sporter;

210 (vii) Daewoo K-1, K-2, Max 1, Max 2, AR 100 and AR 110C;

211 (viii) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter,
212 PS90, SCAR and FS2000;

213 (ix) Feather Industries AT-9;

214 (x) Galil Model AR and Model ARM;

215 (xi) Hi-Point Carbine;

216 (xii) HK-91, HK-93, HK-94, HK-PSG-1 and HK USC;

217 (xiii) IWI TAVOR and Galil ACE rifle;

218 (xiv) Kel-Tec Sub 2000, SU-16, RDB and RFB;

219 (xv) SIG AMT, SIG PE-57, SIG556, Sig Sauer SG 550, Sig Sauer SG 551 and SIG
220 MCX;

221 (xvi) Springfield Armory SAR-48;

222 (xvii) Steyr AUG;

223 (xviii) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF;

224 (xix) All Thompson rifles, including the following: M1SB, T1100D, T150D, T1B,
225 T1B100D, T1B50D, T1BSB, T1-C, T1D, T1SB, T5, T5100D, TM1, TM1C;

226 (xx) UMAREX UZI rifle;

227 (xxi) UZI Mini Carbine, UZI Model A Carbine and UZI Model B Carbine;

228 (xxii) Valmet M62S, M71S and M78;

229 (xxiii) Vector Arms UZI Type;

230 (xxiv) Weaver Arms Nighthawk; and

231 (xxv) Wilkinson Arms Linda Carbine.

232 (f) All of the following pistols:

233 (i) All AK types, including the following: Centurion 39 AK pistol, Draco AK-47 pistol,
234 HCR AK-47 pistol, IO Inc. Hellpup AK-47 pistol, Krinkov pistol, Mini Draco AK-47 pistol,
235 PAP M92 pistol and Yugo Krebs Krink pistol;

236 (ii) All AR types, including the following: American Spirit AR-15 pistol, Bushmaster
237 Carbon 15 pistol, Chiappa Firearms M4 Pistol GEN II, CORE Rifle Systems CORE15 Roscoe
238 pistol, Daniel Defense MK18 pistol, DoubleStar Corporation AR pistol, DPMS AR-15 pistol,
239 Jesse James Nomad AR-15 pistol, Olympic Arms AR-15 pistol, Osprey Armament MK-18

240 pistol, POF USA AR pistols, Rock River Arms LAR 15 pistol and Usselton Arms Air-Lite M-4
241 pistol;

242 (iii) Calico pistols;

243 (iv) CZ Scorpion and CZ BREN;

244 (v) DSA SA58 PKP FAL pistol;

245 (vi) Encom MP-9 and MP-45;

246 (vii) Heckler & Koch model SP-89 pistol;

247 (viii) Intratec AB-10, TEC-22 Scorpion, TEC-9 and TEC-DC9;

248 (ix) IWI Galil Ace pistol, UZI PRO pistol;

249 (x) Kel-Tec PLR 16 pistol;

250 (xi) All MAC types, including the following: MAC-10, MAC-11, Masterpiece Arms
251 MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol and MPA Mini Tactical Pistol,
252 Military Armament Corp. Ingram M-11 and Velocity Arms VMAC;

253 (xii) Sig Sauer P556 pistol;

254 (xiii) Sites Spectre;

255 (xiv) All Thompson types, including the following: TA510D and TA5; and

256 (xv) All UZI types, including Micro-UZI.

257 (g) All of the following shotguns:

- 258 (i) DERYA Anakon MC-1980, Anakon SD12;
- 259 (ii) Doruk Lethal shotguns;
- 260 (iii) Franchi LAW-12 and SPAS 12;
- 261 (iv) All IZHMAASH Saiga 12 types, including the following: Saiga 12, Saiga 12S, Saiga
262 12S EXP-01, Saiga 12K, Saiga 12K-030, Saiga 12K-040 Taktika;
- 263 (v) Street Sweeper; and
- 264 (vi) Striker 12.
- 265 (h) Any shotgun with a revolving cylinder.
- 266 (i) All belt-fed semiautomatic firearms, including TNW M2HB and FN M249S.
- 267 (j) a copy or duplicate of any firearm meeting the standards of or enumerated in clauses
268 (d) to (i), inclusive; provided, that for the purposes of this subsection, “copy or duplicate” shall
269 mean a firearm: (A) that was manufactured or subsequently configured with an ability to accept a
270 detachable magazine; and (B)(i) that has internal functional components that are substantially
271 similar in construction and configuration to those of an enumerated weapon in clauses (d) to (i),
272 inclusive; or (ii) that has a receiver that is the same as or interchangeable with the receiver of an
273 enumerated weapon in said clauses.
- 274 (k) “Assault-style firearm” shall not include any: (i) firearm that is operated by manual
275 bolt, pump, lever or slide action; (ii) firearm that has been rendered permanently inoperable or
276 otherwise rendered permanently unable to be designated as a semiautomatic assault-style
277 firearm; (iii) firearm that is an antique or relic, theatrical prop or other firearm that is not capable

278 of firing a projectile and which is not intended for use as a functional firearm and cannot be
279 readily modified through a combination of available parts into an assault-style firearm; or (iv)
280 semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or
281 detachable feeding device.

282 “Assemble”, to fit together a firearm’s component parts; provided, however, that
283 “assemble” shall not include firearm reassembly, repair or the fitting of special barrels, stocks or
284 trigger mechanisms to firearms.

285 “Automatic conversion”, any modification made to a firearm or any part capable of being
286 attached to a firearm that allows for the automatic discharge of more than 1 shot with 1
287 continuous activation of the trigger.

288 “Automatic part”, any part capable of being attached to a firearm that allows for the
289 automatic discharge of more than 1 shot with 1 continuous activation of the trigger.

290 “Bona fide collector of firearms”, a licensed collector pursuant to 18 U.S.C. section
291 923(b).

292 SECTION 21. Said section 121 of said chapter 140, as so appearing, is hereby further
293 amended by inserting after the definition of “Bump stock”, the following definition:-

294 “Common long gun”, a rifle or shotgun that is not a large capacity firearm and cannot
295 produce semiautomatic or automatic fire.

296 SECTION 22. Said section 121 of said chapter 140, as so appearing, is hereby further
297 amended by striking out, in line 43, the words “131R to 131Y” and inserting in place thereof the
298 following words:- 131 to 131H.

299 SECTION 23. Said section 121 of said chapter 140, as so appearing, is hereby further
300 amended by inserting after the definition of “Court” the following 2 definitions:-

301 “Covert firearm”, a firearm placed in a camouflaging firearm container, or a firearm that
302 is not a stun gun, that is capable of discharging a bullet or shot and is constructed in a shape that
303 does not resemble a firearm or is not immediately recognizable as a firearm, including, but not
304 limited to, zip guns, concealed bolt guns, folding guns and any other weapon that resemble key-
305 chains, pens, canes, wallets, flashlights, cigarette-lighters or cigarette-packages, flare guns, pellet
306 guns and bb gun conversion kits.

307 “Curio or relic firearms”, firearms which are of special interest to collectors because they
308 possess some qualities not ordinarily associated with firearms intended for sporting use or as
309 offensive or defensive weapons.

310 SECTION 24. Said section 121 of said chapter 140, as so appearing, is hereby further
311 amended by striking out the definition of “Deceptive weapon device” and inserting in place
312 thereof the following definition:-

313 “Deceptive firearm device”, any device that is intended to convey the presence of a
314 firearm that is used in the commission of a violent crime and that presents an objective threat of
315 immediate death or serious bodily harm to a person of reasonable and average sensibility.

316 SECTION 25. Said section 121 of said chapter 140, as so appearing, is hereby further
317 amended by striking out, in lines 54 to 56, inclusive, the words “firearm identification card
318 which the respondent may hold and ordering the respondent to surrender all firearms, rifles,
319 shotguns, machine guns” and inserting in place thereof the following words:- long gun permit
320 which the respondent may hold and ordering the respondent to surrender all firearms.

321 SECTION 26. Said section 121 of said chapter 140, as so appearing, is hereby further
322 amended by striking out the definitions of “Firearm”, “Gunsmith” and “Imitation firearm” and
323 inserting in place thereof the following 5 definitions:-

324 “Feeding device”, any magazine, belt, strip, drum or similar device that holds
325 ammunition for a firearm, whether fixed or detachable from a firearm.

326 “Firearm”, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity
327 firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may
328 readily be converted to expel a shot or bullet; the frame or receiver of any such firearm;
329 provided, however, that “firearm” shall not include any antique firearm or permanently
330 inoperable firearm.

331 “Frame”, the part of a pistol or revolver that provides housing or a structure for the
332 component designed to hold back the hammer, striker, bolt or similar primary energized
333 component prior to initiation of the firing sequence, even if pins or other attachments are
334 required to connect such component to the housing or structure. Any such part that is identified
335 with an importer’s or manufacturer’s serial number shall be presumed, absent an official
336 determination by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States
337 Department of Justice or other reliable evidence to the contrary, to be the frame of the firearm.

338 “Gunsmith”, any person who engages in the business of repairing, altering, cleaning,
339 polishing, engraving, blueing or performing any mechanical operation on any firearm.

340 “Imitation firearm”, any firearm which is designed, manufactured or altered in such a
341 way as to render it incapable of discharging a shot or bullet.

342 SECTION 27. Said section 121 of said chapter 140, as so appearing, is hereby further
343 amended by striking out the definition of “Large capacity feeding device” and inserting in place
344 thereof the following definition:-

345 “Large capacity feeding device”, (i) a fixed or detachable magazine, belt, drum, feed strip
346 or similar device that has a capacity of, or that can be readily converted to accept, more than 10
347 rounds of ammunition or more than 5 shotgun shells; or (ii) any part or combination of parts
348 from which a device can be assembled if those parts are in the possession or control of the same
349 person. “Large capacity feeding device” shall not include: (i) any device that has been
350 permanently altered so that it cannot accommodate more than 10 rounds of ammunition or more
351 than 5 shotgun shells; (ii) an attached tubular device designed to accept and capable of operating
352 only with .22 caliber rimfire ammunition; or (iii) a tubular magazine that is contained in a lever-
353 action firearm or on a pump shotgun.

354 SECTION 28. Said section 121 of said chapter 140, as so appearing, is hereby further
355 amended by striking out the definition of “Large capacity weapon” and inserting in place thereof
356 the following definition:-

357 “Large capacity firearm”, any firearm that: (i) is semiautomatic with a fixed large
358 capacity feeding device; (ii) is semiautomatic and capable of accepting, or readily modifiable to
359 accept, any detachable large capacity feeding device when both are in the same person’s
360 possession or under their control in a vehicle; (iii) employs a rotating cylinder capable of
361 accepting more than 10 rounds of ammunition or more than 5 shotgun shells; or (iv) is an
362 assault-style firearm. The term “large capacity firearm” shall be a secondary designation and
363 shall apply to a weapon in addition to its primary designation as a firearm, and shall not include,

364 any firearm that: (i) operates by manual bolt, pump, lever or slide action; (ii) is a single-shot
365 weapon; (iii) has been modified so as to render it permanently inoperable or otherwise rendered
366 permanently unable to be designated a large capacity firearm; or (iv) is an antique or relic,
367 theatrical prop or other weapon that is not capable of firing a projectile and which is not intended
368 for use as a functional weapon and cannot be readily modified through a combination of
369 available parts into an operable large capacity firearm.

370 SECTION 29. Said section 121 of said chapter 140, as so appearing, is hereby further
371 amended by inserting, in line 119, after the word “them” the following words:- ; provided,
372 however, that should no such chief or officer exist the colonel of the state police or their designee
373 shall act as the licensing authority.

374 SECTION 30. Said section 121 of said chapter 140, as so appearing, is hereby further
375 amended by striking out the definition of “Machine gun” and inserting in place thereof the
376 following 4 definitions:-

377 “Machine gun”, a firearm, loaded or unloaded, which may automatically discharge more
378 than 1 shot by a continuous activation of the trigger, whether originally manufactured as such or
379 modified by automatic conversion, including through the use of an automatic part; provided, that
380 “machine gun” shall include a submachine gun.

381 “Manufacture”, to fabricate, make, form, produce or construct, by manual labor or by
382 machinery, a firearm; provided, however, that “manufacture” shall not include firearm
383 reassembly, firearm repair or the making or fitting of special barrels, stocks or trigger
384 mechanisms to firearms.

385 “Nonresident”, a person who is temporarily in the commonwealth but legally resides in
386 another state or territory of the United States.

387 “Permanently embedded”, applied in such a way that cannot be easily or readily removed
388 without destroying the part to which it is applied.

389 SECTION 31. Said section 121 of said chapter 140, as so appearing, is hereby further
390 amended by striking out the definitions of “Petition” and “Petitioner” and inserting in place
391 thereof the following 3 definitions:-

392 “Petition”, as used in sections 131 to 131H, inclusive, a request filed with the court by a
393 petitioner for the issuance or renewal of an extreme risk protection order.

394 “Petitioner”, as used in sections 131 to 131H, inclusive, the individual that is filing the
395 petition and is a: (i) family or household member; (ii) law enforcement agency or officer, as
396 defined in section 1 of chapter 6E; (iii) health care provider that provided health care services to
397 the respondent within the preceding 6 months; provided, that for the purposes of this clause
398 “health care provider” shall include a: licensed physician, licensed physician assistant, registered
399 nurse, licensed practical nurse, certified nurse practitioner, certified clinical nurse specialist,
400 certified psychiatric clinical nurse specialist, licensed psychiatrist, licensed psychologist,
401 licensed mental health counselor, licensed marriage and family therapist, licensed alcohol and
402 drug counselor, licensed independent clinical social worker or licensed certified social worker;
403 (iv) principal or assistant principal of an elementary school or secondary school, or administrator
404 of a college or university where the respondent is enrolled; or (v) employer of the respondent.

405 “Privately made firearm”, a firearm manufactured or assembled by an individual who is
406 not a licensed manufacturer; provided, however, that “privately made firearm” shall not include

407 firearms manufactured or assembled by persons licensed under section 125 in the course of their
408 business activities.

409 SECTION 32. Said section 121 of said chapter 140, as so appearing, is hereby further
410 amended by striking out the definition of “Respondent” and inserting in place thereof the
411 following 2 definitions:-

412 “Receiver”, the part of a rifle or shotgun that provides housing or a structure for the
413 primary component designed to block or seal the breech prior to initiation of the firing sequence,
414 even if pins or other attachments are required to connect such component to the housing or
415 structure. Any such part that is identified with an importer’s or manufacturer’s serial number
416 shall be presumed, absent an official determination by the Bureau of Alcohol, Tobacco, Firearms
417 and Explosives in the United States Department of Justice or other reliable evidence to the
418 contrary, to be the receiver of the weapon.

419 “Respondent”, as used in sections 131 to 131H, inclusive, the person identified as the
420 respondent in a petition against whom an extreme risk protection order is sought.

421 SECTION 33. Said section 121 of said chapter 140, as so appearing, is hereby further
422 amended by striking out, in lines 136, 139, 140 and 147, the word “weapon”, each time it
423 appears, and inserting in place thereof, in each instance, the following word:- firearm.

424 SECTION 34. Said section 121 of said chapter 140, as so appearing, is hereby further
425 amended by inserting after the definition of “Sawed-off shotgun” the following 2 definitions:-

426 “Secured in a locked container”, secured in a container that is capable of being unlocked
427 only by means of a key, combination or similar means, including in an unoccupied motor

428 vehicle, a locked trunk not accessible from the passenger compartment, a locked console or
429 locked glovebox.

430 “Self-defense spray”, chemical mace, pepper spray or any device or instrument which
431 contains, propels or emits a liquid, gas, powder or other substance designed to incapacitate.

432 SECTION 35. Said section 121 of said chapter 140, as so appearing, is hereby further
433 amended by inserting after the definition of “Semiautomatic” the following 2 definitions:-

434 “Serial number”, an identifying number placed on a firearm by a federally licensed
435 firearms manufacturer, importer or dealer who is authorized by federal law to serialize firearms,
436 or a serial number issued by the director of the Bureau of Alcohol, Tobacco, Firearms and
437 Explosives in the United States Department of Justice or the department of criminal justice
438 information services.

439 “Serialization”, the process of conspicuously engraving, casting or otherwise
440 permanently embedding a unique serial number on a firearm frame or receiver; provided, that the
441 serial number shall be placed in a manner not susceptible to being readily obliterated, altered or
442 removed and shall be engraved, cast or otherwise permanently embedded to a depth of not less
443 than .003 inches and in a print size not less than 1/16 inch; and provided further, that
444 serialization of firearms, frames and receivers made from non-metallic materials shall be
445 accomplished by using a metal plate permanently embedded in the material of the frame or
446 receiver.

447 SECTION 36. Said section 121 of said chapter 140, as so appearing, is hereby further
448 amended by striking out the definition of “Trigger crank” and inserting in place thereof the
449 following 3 definitions:-

450 “Trigger modifier”, any modification that repeatedly activates the trigger of a firearm,
451 including, but not limited to, trigger cranks, binary triggers and hellfire triggers.

452 “Undetectable firearm”, (i) a firearm that after the removal of grips, stocks and
453 magazines, is not detectable by walk-through metal detectors calibrated and operated to detect
454 the security exemplar as defined in 18 U.S.C. Section 922(p)(2)(C); or (ii) a major component of
455 a firearm as defined in 18 U.S.C. Section 922(p)(2)(B) that, when inspected by detection devices
456 commonly used at secure public buildings and transit stations, does not generate an image that
457 accurately depicts the shape of the component.

458 “Untraceable firearm”, a firearm that has not been serialized or a firearm whose serial or
459 other identification number has been removed, defaced, altered, obliterated or mutilated in any
460 manner.

461 SECTION 37. Said section 121 of said chapter 140, as so appearing, is hereby further
462 amended by striking out lines 175 to 192, inclusive.

463 SECTION 38. Said chapter 140 is hereby amended by striking out section 121A, as so
464 appearing, and inserting in place thereof the following 3 sections:-

465 Section 121A. (a) A licensing authority shall, within 40 days from the date of receipt of a
466 completed application for any license or permit issued under sections 124 to 124C, inclusive,
467 124E, 125 or 125B, or renewal of the same, either approve the application and issue the license
468 or permit or deny the application and notify the applicant of the reason for such denial in writing;
469 provided, however, that no license or permit shall be issued unless the colonel of the state police
470 has certified that the information available indicates that issuing the license or permit is not in
471 violation of state or federal law.

472 (b) Upon receiving the application, the licensing authority shall provide the applicant
473 with a receipt that includes: (i) the applicant's name and address, current license or permit
474 number and expiration date, if any; (ii) the date the licensing authority received the application;
475 (iii) the name, address and telephone number of the licensing authority or its agent that received
476 the application; (iv) the type of application; and (v) whether the application is for a new license
477 or permit or renewal of the same.

478 (c) Within 7 days of receipt of the completed application the licensing authority shall
479 forward 1 copy of the application and 1 copy of the applicant's fingerprints to the colonel of the
480 state police; provided, however, that the taking of fingerprints shall not be required in issuing a
481 renewal if the applicant's fingerprints are on file with the department of the state police.

482 (d) The colonel of the state police shall, within 30 days of receipt of the application and
483 fingerprints, advise the licensing authority, in writing, of any disqualifying criminal record of the
484 applicant arising from within or without the commonwealth and whether there is reason to
485 believe that the applicant is disqualified from possessing the license or permit requested. If the
486 information available to the colonel does not indicate that issuing the license would be in
487 violation of state or federal law, the colonel shall certify such fact to the licensing authority
488 within said 30-day period. In searching for any disqualifying history of the applicant, the colonel
489 shall: (i) utilize, or cause to be utilized, files maintained by the department of probation and
490 statewide and nationwide criminal justice, warrant and protection order information systems and
491 files including, but not limited to, the National Instant Criminal Background Check System; and
492 (ii) inquire of the commissioner of the department of mental health relative to whether the
493 applicant is disqualified from receiving a license or permit.

494 (e) The licensing authority may also make inquiries concerning an applicant to: (i) the
495 commissioner of the department of criminal justice information services relative to any
496 disqualifying condition, prior license or permit information, records of purchases, sales, rentals,
497 leases and transfers of firearms or ammunition concerning the applicant; (ii) the commissioner of
498 probation relative to any record contained within the department of probation or the statewide
499 domestic violence record keeping system concerning the applicant; and (iii) the commissioner of
500 the department of mental health relative to whether the applicant is a suitable person to possess
501 firearms. The director or commissioner to whom the licensing authority makes such an inquiry
502 shall provide prompt and full cooperation with any investigation of the applicant.

503 (f) Whoever knowingly files an application for any license or permit pursuant to sections
504 124 to 124C, inclusive, 124E, 125 or 125B containing false information or knowingly issues any
505 such license or permit in violation of this chapter shall be punished by a fine of not less than
506 \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years
507 in a house of correction, or by both such fine and imprisonment.

508 Section 121B. (a) The application for any license or permit pursuant to sections 124 to
509 124C, inclusive, 124E, 125 or 125B, shall be made in a standard form provided by the
510 commissioner of the department of criminal justice information services, which shall require the
511 applicant, or parent or guardian of a minor, to affirmatively state, under the pains and penalties
512 of perjury, that the applicant is not disqualified on any of the grounds enumerated in section 123
513 from being issued such license or permit.

514 (b) A licensing authority shall record in books, forms or electronic files kept for that
515 purpose on the premises, and on the electronic firearms registration system created by the

516 department of criminal justice information services pursuant to section 122, when produced or
517 received, all: (i) license and permit applications, receipts, fees, affidavits, license location
518 transfers and training certificates; (ii) issued licenses and permits, and denials, revocations and
519 suspensions of the same; (iii) decisions of the firearm licensing review board; and (iv) firearm
520 transfers, including deliveries, seizures, surrenders, loss or theft or disposals. The department
521 shall ensure automatic notification to the licensing authority of the existence of any disqualifying
522 condition discovered or occurring subsequent to the issuance of said license or permit.

523 (c) Any license or permit issued under sections 124 to 124B, inclusive, and section 124E
524 shall be issued in a standard form provided by the department of criminal justice information
525 services in a size and shape equivalent to that of a license to operate motor vehicles issued by the
526 registry of motor vehicles pursuant to section 8 of chapter 90 and shall be clearly marked with
527 the license or permit name. It shall contain a license or permit number, name, address,
528 photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and
529 signature of the licensee or permit-holder and shall provide, in a legible font size and style, the
530 telephone number for the 988 Suicide and Crisis Lifeline.

531 Section 121C. (a) Notwithstanding any general or special law, rule or regulation to the
532 contrary, the colonel of state police, in conjunction with the secretary of public safety and
533 security, shall promulgate rules and regulations implementing a statewide firearm surrender
534 program.

535 (b) Any resident of the commonwealth who complies with the policies set forth by the
536 colonel for the statewide firearm surrender program shall not be asked for identification and shall
537 be immune from prosecution for possession of any firearm surrendered pursuant to this section;

538 provided, however, that nothing herein shall prohibit the prosecution of any person for the
539 unlawful possession of a firearm who is not in compliance with the conditions and procedures
540 established by the colonel; and provided further, that nothing herein shall prohibit the
541 prosecution of any person for any other offense committed within the commonwealth.

542 (c) Any firearm surrendered under the statewide firearm surrender program that is
543 reported lost or stolen shall be returned to its lawful owner; provided, however, that any firearm,
544 suspected to be evidence in a crime shall remain in the custody and control of the department of
545 state police in the same manner as any other such firearm lawfully seized by the department of
546 state police. The department of state police may test-fire and preserve any and all firearms
547 voluntarily surrendered. All firearms that have been voluntarily surrendered that are not
548 suspected to be evidence of criminal activity and have not been reported stolen shall be disposed
549 of in accordance with procedures established by the colonel.

550 SECTION 39. Said chapter 140, is hereby further amended by striking out section 122, as
551 so appearing, and inserting in place thereof the following section:-

552 Section 122. (a)(1) The department of criminal justice information services shall develop
553 and maintain a real time electronic firearms registration system. All firearms possessed,
554 manufactured or assembled in the commonwealth shall be registered in accordance with this
555 section. Firearm registration shall be completed via the real time electronic firearms registration
556 system developed and maintained by the department of criminal justice information services and
557 shall include, but not be limited to, the following information: (i) the registrant's name, address
558 and contact information; (ii) the registrant's license or permit type, license or permit number and
559 expiration date or documentation of exemption pursuant to sections 127 or 127A; (iii) the type of

560 firearm; (iv) the date the firearm was acquired; (v) the name and address of the source from
561 which the firearm was obtained, including the name and address of the prior registrant if
562 applicable; (vi) whether the firearm is a privately made firearm; and (vii) a statement signed by
563 the registrant under the pains and penalties of perjury that they are properly licensed, permitted
564 or exempted under the laws of the commonwealth and are not otherwise prohibited from owning
565 or possessing a firearm.

566 (2) Firearm registration shall be completed at the time of firearm import, purchase,
567 acquisition, manufacture or assembly; provided, however, that a firearm may be: (i) registered
568 within 60 days if imported by a new resident of the commonwealth; (ii) registered within 7 days
569 if imported by a licensed dealer, gunsmith, distributor or manufacturer; (iii) registered within 60
570 days if acquired by an heir or devisee through distribution of an estate; or (iv) registered within 7
571 days if manufactured or assembled as a privately-made firearm.

572 (b) All firearm transactions within the commonwealth, including, but not limited to, all
573 purchases, sales, rentals, leases, loans or other transfers shall be reported to the electronic
574 firearms registration system. All firearm transactions shall be reported by all parties to the
575 transaction via the electronic firearms registration system within 7 days of the sale, rental, lease,
576 loan or other transfer; provided, however, that no report shall be required for a loan of a firearm
577 to a duly licensed or exempted person for a period of less than 7 days.

578 (c) Any loss or theft of a firearm shall be reported by the owner thereof via the electronic
579 firearms registration system within 7 days to the licensing authority or the department of state
580 police where it is registered and the department of criminal justice information services. Such
581 report shall include, but shall not limited to, a complete description of the firearm, including the

582 make, model, serial number and caliber and whether it is a large capacity firearm. The electronic
583 firearms registration system shall provide automatic and immediate notification to the licensing
584 authority in the town or city where the owner resides and where the license or permit was issued.

585 (d) This section shall not apply to firearms: (i) being delivered to law enforcement for the
586 sole purpose of their destruction; (ii) possessed by common carriers and their duly authorized
587 employees and agents while performing the regular and ordinary transport of firearms as
588 merchandise for customers licensed to permit such transport; (iii) possessed by individuals
589 lawfully traveling through the commonwealth in the care and custody of a nonresident owner;
590 provided, that the firearms are stored in accordance with sections 126B and 126C; (iv) that are
591 the property of the government of the United States; or (v) produced by federally licensed
592 manufacturers not for sale in the commonwealth.

593 (e) Whoever fails to register a firearm in violation of subsection (a), or fails to report a
594 transaction, loss or theft in violation of subsections (b) or (c) shall be punished as follows: (i) by
595 a fine of not more than \$1,000 for a first offense; (ii) by a fine of not more than \$7,500 or
596 imprisonment up to 6 months, or by both such fine and imprisonment, for a second offense; or
597 (iii) by a fine of not more than \$10,000 or imprisonment for not less than 1 year nor more than 5
598 years, or by both such fine and imprisonment, for a third or subsequent offense. Failure to report
599 shall also be a cause for suspension or permanent revocation of a person's license or permit.

600 (f) The executive office of public safety and security shall promulgate regulations for the
601 implementation of this section, which shall include information required for the registration and
602 reporting of firearms, public notice and an outreach campaign to promote awareness of this
603 section.

604 SECTION 40. Said chapter 140 is hereby further amended by striking out section 122A,
605 as so appearing, and inserting in place thereof the following section:-

606 Section 122A. (a) All firearms shall have a serial number in accordance with the
607 requirements of this section. To meet serialization requirements all firearms shall be
608 conspicuously engraved, cast or otherwise permanently embedded with a unique serial number
609 on the frame or receiver; provided, that the serial number shall be placed in a manner not
610 susceptible of being readily obliterated, altered or removed and shall be engraved, cast or
611 otherwise permanently embedded to a depth of not less than .003 inches and in a print size not
612 less than 1/16 inch; provided further, that the serialization of firearms, frames and receivers made
613 from non-metallic materials shall be accomplished by using a metal plate permanently embedded
614 in the material of the frame or receiver.

615 (b) No person shall knowingly possess, manufacture, assemble, offer for sale, sell or
616 otherwise transfer or import an untraceable firearm in the commonwealth; provided, however,
617 that lawfully owned firearms imported or acquired by: (i) new residents moving into the
618 commonwealth or acquired by heirs or devisees through distribution of an estate shall be
619 serialized within 60 days of import or acquisition; and (ii) licensed firearms dealers, gunsmiths,
620 distributors or manufacturers shall be serialized within 7 days of import or acquisition.

621 (c) No person shall manufacture or assemble a privately made firearm without: (i)
622 obtaining a unique serial number from the department of criminal justice information services
623 prior to manufacture or assembly; (ii) serializing the firearm with the obtained serial number
624 during manufacture or assembly; and (iii) registering the firearm with the department of criminal

625 justice information services in accordance with section 122 within 7 days of the firearm's
626 manufacture or assembly.

627 (d) No person shall manufacture or assemble a privately made firearm that does not
628 comply with all relevant state and federal safety regulations.

629 (e) The department of criminal justice information services shall develop and maintain a
630 serial number request system to electronically receive, record and process requests for a unique
631 serial number in accordance with this section. The serial number request system shall be
632 integrated with the electronic firearms registration system maintained by the department of
633 criminal justice information services pursuant to section 122 and shall be able to register all
634 firearms and report firearm transactions pursuant to said section 122, and ensure that all data on
635 privately made firearms is available for data collection pursuant to sections 122B and tracing
636 purposes pursuant to section 122C.

637 (f) Requests for a unique serial number through the serial number request system shall
638 include information on the person requesting a unique serial number, whether the request is for a
639 privately made firearm, the type of firearm to be serialized and, if privately made, the means and
640 manner of its production.

641 (g) The requirements of this section shall not apply to firearms: (i) being delivered to law
642 enforcement for the sole purpose of their destruction; (ii) possessed by common carriers and their
643 duly authorized employees and agents while performing the regular and ordinary transport of
644 firearms as merchandise for customers licensed to permit such transport; (iii) possessed by
645 individuals lawfully traveling through the commonwealth in the care and custody of a
646 nonresident owner provided that the firearms are stored in accordance with sections 126B and

647 126C; (iv) that are the property of the government of the United States; or (v) produced by
648 federally licensed manufacturers not for sale in the commonwealth.

649 (h) The executive office of public safety and security, in consultation with the department
650 of criminal justice information services, shall promulgate rules and regulations for the
651 implementation of this section, including technical requirements for the serialization of firearms,
652 procedures for requesting serial numbers and procedures for public notice and an outreach
653 campaign to promote awareness of this section.

654 SECTION 41. Said chapter 140 is hereby further amended by striking out section 122B,
655 as so appearing, and inserting in place thereof the following section:-

656 Section 122B. (a) The department of criminal justice information services, in
657 collaboration with the executive office of public safety and security and the executive office of
658 technology services and security, shall collect, assemble and publish data and other information
659 relating to the use of firearms in the commonwealth.

660 (b) State and local agencies, including, but not limited to, the department of the state
661 police, licensing authorities and other criminal justice agencies, as defined in section 167 of
662 chapter 6, shall provide timely access to information requested by the department of criminal
663 justice information services pursuant to this section.

664 (c) The department of criminal justice information services shall make non-personally
665 identifying data accessible to the general public through the publication of an online dashboard
666 updated at least quarterly. This dashboard shall include, but shall not be limited to:

667 (1) The following aggregate data on the issuance of firearm licenses and permits pursuant
668 to sections 124 to 124B, inclusive, of chapter 140:

669 (i) the age, gender, race, ethnicity and municipality of applicants for a license to carry;

670 (ii) the age, gender, race, ethnicity and municipality of individuals whose applications for
671 a license to carry were denied;

672 (iii) the age, gender, race, ethnicity and municipality of applicants for a long gun permit;
673 and

674 (iv) the age, gender, race, ethnicity and municipality of individuals whose applications
675 for a long gun permit were denied.

676 (2) The following aggregate data on firearm-involved violence, including, but not limited
677 to, firearm-involved crimes and attempted or completed suicides using firearms:

678 (i) the type of firearm-involved violence, for example, attempted or completed suicide,
679 homicide, accidental shooting, or other firearm-involved crime;

680 (ii) the age, gender, race and ethnicity of the firearm user;

681 (iii) the age, gender, race and ethnicity of any victims of firearm-involved violence;

682 (iv) the geographic location of the firearm-involved violence;

683 (v) the firearms license status of the firearm user;

684 (vi) whether the firearm user, at the time of the incident, would be considered a
685 prohibited person as described in section 123;

686 (vii) whether the firearm user was arrested as a result of the incident;

687 (viii) the disposition of any prosecution;

688 (ix) whether the firearm was used in connection with known gang activity, a domestic
689 dispute or police interaction;

690 (x) the make, model, manufacturer and state or country of origin of the involved firearm;

691 (xi) the origin, source and secondary market of the involved firearm, including whether it
692 was purchased from a licensed dealer or private seller;

693 (xii) whether the involved firearm was lost, stolen or otherwise illegally obtained; and

694 (xiii) whether the involved firearm was untraceable or a privately made firearm,
695 including the manner in which it was produced.

696 (d) The department of criminal justice information services, in coordination with the
697 executive office of public safety and security and the executive office of technology services and
698 security, shall promulgate rules and regulations to ensure prompt collection, exchange, and
699 publication of the firearm licensing information under this section.

700 SECTION 42. Said chapter 140 is hereby further amended by striking out section 122C,
701 as so appearing, and inserting in place thereof the following section:-

702 Section 122C. (a) A firearm used to carry out a criminal act shall be traced by the
703 licensing authority for the city or town in which the crime took place or the law enforcement
704 agency taking possession of the firearm. Said authority or agency shall report all available
705 statistical data to the department of criminal justice information services. This statistical data

706 shall include, but not be limited to: (i) the make, model, serial number and caliber of the firearm
707 used; (ii) the type of crime committed; (iii) whether an arrest or conviction was made; (iv)
708 whether fingerprint evidence was found on the firearm; (v) whether ballistic evidence was
709 retrieved from the crime scene; (vi) whether the criminal use of the firearm was related to known
710 gang activity; (vii) whether the firearm was obtained illegally; (viii) whether the firearm was lost
711 or stolen; and (ix) whether the person using the firearm was otherwise a prohibited person.

712 (b) The department of criminal justice information services shall ensure that data reported
713 pursuant to this section is automatically transmitted into the federal electronic system maintained
714 by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of
715 Justice and to the commonwealth fusion center or the criminal firearms and trafficking unit
716 within the division of investigation and intelligence in the department of state police established
717 in section 6 of chapter 22C. The colonel of state police shall produce an annual report not later
718 than December 31 regarding crimes committed in the commonwealth using firearms, including
719 all of the categories of data contained in this section, and shall submit a copy of the report to the
720 joint committee on public safety and homeland security, the clerks of the house of
721 representatives and the senate and, upon request, to criminology, public policy and public health
722 researchers and other law enforcement agencies.

723 SECTION 43. Section 122D of said chapter 140 is hereby repealed.

724 SECTION 44. Said chapter 140 is hereby further amended by striking out section 123, as
725 appearing in the 2022 Official Edition, and inserting in place thereof the following 5 sections:-

726 Section 123. (a) A licensing authority shall deny any application for a license or permit
727 issued under sections 124 to 124B, inclusive, 124E, 125 or 125B or renewal thereof, to a person

728 the licensing authority determines to be a prohibited person. A prohibited person shall be a
729 person who:

730 (i) has ever, in a court of the commonwealth or in any other state or federal jurisdiction,
731 been convicted or adjudicated as a youthful offender or delinquent child or both, as defined in
732 section 52 of chapter 119, for the commission of: (A) a felony; (B) a misdemeanor punishable by
733 imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
734 violation of any law regarding the use, possession, ownership or transfer of firearms or
735 ammunition for which a term of imprisonment may be imposed; (E) a violation of any law of the
736 commonwealth regulating the use, possession or sale of controlled substances, as defined in
737 section 1 of chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18
738 U.S.C. 921(a)(33); provided, however, that, the commission of a crime described in clauses (B),
739 (D) or (E) shall only disqualify an applicant for a long gun permit under section 124A for 5 years
740 after the applicant was convicted or adjudicated or released from confinement, probation or
741 parole supervision for such conviction or adjudication, whichever occurs later;

742 (ii) is or has been: (A) committed to a hospital or institution for mental illness or alcohol
743 or substance use disorder, except a commitment pursuant to sections 35 or 36C of chapter 123,
744 unless after 5 years from the date of the confinement the applicant submits with the application
745 for a license or permit an affidavit of a licensed physician or clinical psychologist attesting
746 familiarity with the applicant's mental illness or alcohol or substance use disorder and that in the
747 physician's or psychologist's opinion, the applicant is not suffering from a mental illness or
748 alcohol or substance use disorder in a manner that shall prevent the applicant from possessing a
749 licensed firearm or permitted long gun; (B) committed by a court order to a hospital or institution
750 for mental illness, unless the applicant was granted a petition for relief of the court order

751 pursuant to said section 36C of said chapter 123 and submits a copy of the court order with the
752 application for a license or permit; (C) subject to an order of the probate court appointing a
753 guardian or conservator for an incapacitated person on the grounds that the applicant lacks the
754 mental capacity to contract or manage the applicant's affairs, unless the applicant was granted a
755 petition for relief of the order of the probate court pursuant to section 56C of chapter 215 and
756 submits a copy of the order with the application for a license or permit; or (D) found to be a
757 person with an alcohol use disorder or substance use disorder or both and committed pursuant to
758 said section 35 of said chapter 123, unless the applicant was granted a petition for relief of the
759 court order pursuant to said section 35 of said chapter 123 and submits a copy of the court order
760 with the application;

761 (iii) is currently subject to: (A) an order for suspension or surrender issued pursuant to
762 sections 3B or 3C of chapter 209A; (B) a permanent or temporary protection order issued
763 pursuant to said chapter 209A; (C) any order described in 18 U.S.C. 922(g)(8); (D) a permanent
764 or temporary harassment prevention order issued pursuant to chapter 258E; (E) an extreme risk
765 protection order issued pursuant to sections 131A and 131B; or (F) an order similar to the orders
766 described in clauses (A), (B), (C), (D) or (E) issued by another jurisdiction;

767 (iv) is currently the subject of an outstanding arrest warrant in any state or federal
768 jurisdiction;

769 (v) is a person not legally or lawfully in the United States;

770 (vi) has been discharged from the armed forces of the United States under dishonorable
771 conditions; or

772 (vii) is a fugitive from justice.

773 (b) A licensing authority shall deny any application for a license or permit under sections
774 124 to 124B, inclusive, 124E, 125 or 125B, or renewal thereof, to a person the licensing
775 authority determines to be unsuitable to hold a license or permit. A determination of unsuitability
776 shall be based on reliable, articulable and credible information that the applicant has exhibited or
777 engaged in behavior that suggests that, if issued a license or permit, the applicant may create a
778 risk to public safety or a risk of danger to themselves or others. Upon denial of an application or
779 renewal of a license or permit based on a determination of unsuitability, the licensing authority
780 shall notify the applicant in writing setting forth the specific reasons for the determination.

781 (c) In the case of an application or renewal of a long gun permit under section 124A, a
782 licensing authority shall not have the authority to deny an application on the grounds of
783 unsuitability but may file a petition requesting that the district court having jurisdiction deny said
784 application on unsuitability grounds. Such petition shall operate to stay the application and shall
785 be founded upon a written statement of the reasons for supporting a finding of unsuitability.
786 Upon filing, a copy of the written petition and statement shall be provided to the applicant by the
787 licensing authority. The court shall within 90 days of receiving the filed petition hold a hearing
788 to determine if the applicant for the long gun permit is unsuitable and enter a judgment on
789 suitability. A determination of unsuitability shall be based on a preponderance of the evidence
790 that there is reliable, articulable and credible information that the applicant has exhibited or
791 engaged in behavior that suggests that, if issued a long gun license, the applicant may create a
792 risk to public safety or a risk of danger to self or others. If a court enters a judgment that an
793 applicant is unsuitable, the court shall notify the applicant in writing setting forth the specific
794 reasons for such determination. If a court has not entered a judgement that an applicant is

795 unsuitable within 90 days of the petition, judgment that the applicant is suitable for a long gun
796 permit shall be automatically entered.

797 (d) An applicant aggrieved by a denial of a license or permit under sections 124 to 124B,
798 inclusive, 124E, 125 or 125B may appeal the denial pursuant to section 123C.

799 Section 123A. (a) There shall be a firearm licensing review board, established within the
800 department of criminal justice information services, comprised of 7 members: 1 of whom shall
801 be a member of the department of criminal justice information services appointed by the
802 commissioner and who shall be the chair; 1 of whom shall be the secretary of public safety or
803 their designee; 1 of whom shall be the colonel of state police or their designee; 1 of whom shall
804 be appointed by the Massachusetts Chiefs of Police Association Incorporated; 1 of whom shall
805 be the attorney general or their designee; 1 of whom shall be an attorney with litigation
806 experience in firearm licensing cases and appointed by the governor from a list of qualified
807 persons submitted to the governor by the Massachusetts Bar Association; and 1 of whom shall be
808 a retired member of the judiciary and appointed by the governor.

809 (b) An applicant for a long gun permit pursuant to section 124A, self-defense spray
810 permit pursuant to section 124E or a license to carry pursuant to section 124 or 124B who has
811 been convicted of or adjudicated as a youthful offender or delinquent child by reason of an
812 offense or offenses punishable by 2 ½ years' imprisonment or less when committed under the
813 laws of the commonwealth may, after the passage of 5 years from conviction, adjudication as a
814 youthful offender or a delinquent child, or release from confinement, commitment, probation or
815 parole supervision for such conviction or adjudication, whichever occurs later, file a petition for
816 review of eligibility with the firearm licensing review board; provided, however, that an

817 applicant shall not be eligible to petition the firearm licensing review board pursuant to this
818 section if the applicant was convicted of an assault or battery on a family member or household
819 member, as defined by section 1 of chapter 209A; and provided further, that the determination to
820 be made under clause (e) of said section 1 of said chapter 209A shall be made by the review
821 board.

822 (c) The petitioner shall provide to the board a copy of a completed long gun permit, self-
823 defense spray permit or license to carry application, which application shall have previously been
824 submitted to the licensing authority or be submitted to the licensing authority contemporaneously
825 with the petition filed with the board. The petitioner shall have the burden to prove their
826 suitability to receive a long gun permit, self-defense spray permit or a license to carry by clear
827 and convincing evidence. The board shall set a reasonable filing fee to file the petition.

828 (d) If the board determines, by a 2/3 vote, that: (i) the sole disqualifier for the petitioner is
829 any conviction or adjudication as a youthful offender or a delinquent child for an offense or
830 offenses described in subsection (b); (ii) 5 years has passed since such conviction or adjudication
831 or release from confinement, commitment, probation or parole supervision for such conviction or
832 adjudication, whichever is last occurring; and (iii) by clear and convincing evidence, that the
833 petitioner is a suitable person to be a long gun permit, self-defense spray permit or license to
834 carry holder, the board shall determine that the petitioner's right or ability to possess a firearm is
835 fully restored in the commonwealth with respect to such conviction or adjudication and that such
836 conviction or adjudication shall not prohibit such petitioner from applying to a licensing
837 authority for a long gun permit, self-defense spray permit or license to carry. The board shall
838 make a determination on a petition within 60 days after receipt of the petition.

839 (e) The board shall hold hearings at such times and places as in its discretion it
840 reasonably determines to be required, but not less than once every 90 days, and shall give
841 reasonable notice of the time and place of the hearing to the petitioner. The board shall have the
842 power to compel attendance of witnesses at hearings.

843 (f) All hearings shall be conducted in an informal manner, but otherwise according to the
844 rules of evidence, and all witnesses shall be sworn by the chair. If requested by the petitioner and
845 payment for stenographic services, as determined by the board, accompanies such request, the
846 board shall cause a verbatim transcript of the hearing to be made. The board's decisions and
847 findings of facts therefore shall be communicated in writing to the petitioner and to the licensing
848 authority to whom the petitioner has applied or intends to apply within 20 days of rendering a
849 decision.

850 (g) Members of the board shall serve without compensation but shall be entitled to
851 reasonable subsistence and travel allowances in the performance of their duties.

852 Section 123B. (a) All application fees for licenses and permits issued under sections 124
853 to 124C, inclusive, 124E, 125 or 125B shall be payable to the issuing licensing authority and
854 shall not be prorated or refunded in case of revocation or denial. Notwithstanding any general or
855 special law to the contrary, licensing authorities shall deposit all fees into the specified funds
856 quarterly, not later than January 1, April 1, July 1 and October 1 of each year.

857 (b) Unless otherwise stated in this section the fee for an application or renewal of:

858 (i) any license or permit shall be \$100 of which the licensing authority shall retain \$25 of
859 the fee; \$50 of the fee shall be deposited into the General Fund; provided, that not less than
860 \$50,000 of the total funds deposited into the General Fund shall be allocated to the firearm

861 licensing review board, established in section 123A, for its operations; and provided further, that
862 any funds not expended by said board for its operations shall revert back to the General Fund;
863 and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund
864 established in section 2LLL of chapter 29;

865 (ii) a license to carry firearms issued under sections 124 or 124B for active and retired
866 law enforcement officials or local, state or federal government entities acting on their behalf
867 shall be \$25 of which half shall be retained by the licensing authority and half deposited into the
868 General Fund; and

869 (iii) a long gun permit issued under section 124A for persons under 18 years of age or a
870 self-defense spray permit issued under section 124E shall be \$25 of which 50 per cent shall be
871 retained by the licensing authority and 50 per cent deposited into the General Fund.

872 (c) Any person over the age of 70 and any law enforcement officer applying through their
873 employing agency for renewal of a license to carry firearms or a long gun permit shall be exempt
874 from the requirement of paying a renewal fee.

875 (d) Any person with a license to sell under section 125 shall not be assessed any
876 additional fee for a gunsmith's license.

877 (e) The commissioner of the department of criminal justice information services shall
878 send electronically or by first class mail to the license or permit holder, a notice of the expiration
879 of the license or permit not less than 90 days before its expiration and shall enclose or provide a
880 website link to a form for its renewal. The form for renewal shall include:

881 (i) an affidavit which shall be completed and returned in order to renew the license or
882 permit in which the applicant shall verify that the applicant has not lost or had stolen any firearm,
883 for a license and permit respectively, from the applicant's possession since the date of the
884 applicant's last renewal or issuance; and

885 (ii) all pertinent information about the penalties and punishments that may be imposed if
886 the license or permit is not renewed and the applicant remains in possession of any firearms.

887 (f) Notwithstanding any general or special law to the contrary, an expired license to carry
888 firearms issued under sections 124 or 124B or an expired long gun permit issued under section
889 124A shall remain valid for all lawful purposes if:

890 (i) the licensee or permit holder applied for renewal before the license or permit
891 expiration date and shall remain valid until the application for renewal is approved or denied;

892 (ii) the licensee or permit holder is on active duty with the armed forces of the United
893 States on the expiration date of the license or permit; provided, that the license or permit shall
894 remain valid until the licensee or permit holder is released from active duty and for a period of
895 not less than 180 days following their release; provided, however, that, if the licensee or permit
896 holder applied for renewal prior to the end of that period, the license or permit shall remain valid
897 for all lawful purposes until the application for renewal is approved or denied; or

898 (iii) the expiration period has not yet exceeded 90 days beyond the stated date of
899 expiration, unless such license to carry or long gun permit has been revoked or suspended.

900 (g) Any person in possession of a license to carry issued under sections 124 or 124B or
901 long gun permit issued under section 124A whose respective license or permit is invalid for the

902 sole reason that it has expired, not including licenses and permits that remain valid under
903 subsection (f), and not otherwise disqualified from renewal upon application, shall be subject to a
904 fine of not less than \$100 nor more than \$5,000 and section 10 of chapter 269 shall not apply;
905 provided, however, that this exemption shall not apply if such license or permit: (i) has been
906 revoked or suspended unless such revocation or suspension was caused by failure to give notice
907 of a change of address; (ii) is the subject of pending revocation or suspension unless such
908 revocation or suspension was caused by failure to give notice of a change of address; or (iii) has
909 had an application for renewal denied. Any law enforcement officer who discovers a person to be
910 in possession of a firearm after such person's license or permit has expired, meaning after 90
911 days beyond the stated expiration date on the license or has been revoked or suspended solely for
912 failure to given notice of a change of address, shall confiscate such firearm and the expired or
913 suspended license then in possession and such officer shall forward such license or permit, as
914 soon as practical, to the licensing authority that issued the expired license or permit. The officer
915 shall, at the time of confiscation, provide to the person whose firearm has been confiscated, a
916 written inventory and receipt for all firearms confiscated and the officer shall exercise due care
917 in the handling, holding and storage of these items. Any confiscated firearm shall be considered
918 surrendered and subject to the conditions of section 123D; provided, however, that the
919 confiscated firearm shall be returned to the owner if proof of license or permit reinstatement is
920 provided within 1 year of confiscation. This subsection shall not apply to temporary licenses to
921 carry under section 124B.

922 Section 123C. (a)(1) A licensing authority shall revoke or suspend any license or permit
923 pursuant to sections 124 to 124B, inclusive, 124E, 125 or 125B upon the occurrence of any event
924 which makes the licensee or permit holder a prohibited person as defined in section 123. A

925 licensing authority may also revoke or suspend any license or permit issued pursuant to sections
926 124 to 124B, inclusive, 124E, 125 or 125B upon a subsequent determination of unsuitability as
927 defined in said section 123 or upon satisfactory proof that the licensee has violated or permitted
928 any violation of this chapter; provided, however, that in the case of a long gun permit issued
929 under section 124A, a licensing authority shall file a petition to the district court for suspension
930 or revocation of said permit, and said petition shall effect such suspension or revocation pending
931 a judicial determination of sufficient evidence of unsuitability, which the court shall make within
932 15 days of the filing of the petition, after which the procedures and standards of subsection (c) of
933 section 123 shall apply. A licensing authority may revoke or suspend any license issued under
934 sections 125 or 125B only after due notice to the licensee and reasonable opportunity to be
935 heard.

936 (2) Any revocation or suspension of a license or permit issued under sections 124 to
937 124B, inclusive, 124E, 125 or 125B shall be in writing and shall state the reasons for revocation
938 or suspension. No pendency of proceedings before the court shall operate to stay such revocation
939 or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of
940 the department of criminal justice information services and the commissioner of probation and
941 shall be included in the criminal justice information system. A revoked or suspended license or
942 permit may be reinstated only upon the termination of all disqualifying conditions. If a license to
943 sell issued under section 125 is revoked, the licensee shall be disqualified to receive a license for
944 1 year after the expiration of the term of the license so revoked.

945 (b)(1) Any applicant or licensee aggrieved by a denial, revocation or suspension of a
946 license to sell under section 125 may appeal such denial, revocation or suspension by: (i)
947 applying to the colonel of state police for said license within 10 days of a denial, revocation or

948 suspension, who may direct the licensing authority to grant said license if, after a hearing, the
949 colonel determines that there were no reasonable grounds for the denial, suspension or
950 revocation and that the applicant is not barred by law from holding such a license, or (ii) filing an
951 appeal with the district court having jurisdiction pursuant to paragraph (2) of this subsection.

952 (2) Any applicant, licensee or permit holder aggrieved by a denial, revocation or
953 suspension of a license or permit issued under sections 124 to 124B, inclusive, 124E, 125 or
954 125B may, unless a hearing has previously been held pursuant to chapter 209A within either 90
955 days after receiving notice of the denial, revocation or suspension or within 90 days after the
956 expiration of the time limit during which the licensing authority shall respond to the applicant,
957 file a petition to obtain judicial review in the district court having jurisdiction in the city or town
958 in which the applicant filed the application or in which the license or permit was issued.

959 (3) The district court may order a license or permit be issued or reinstated upon a finding
960 that there was no reasonable ground for denying, suspending or revoking the license and that
961 petitioner is not prohibited by law from possessing the license.

962 Section 123D. (a) Upon revocation, suspension or denial of an application for any license
963 or permit issued pursuant to sections 124 to 124B, inclusive, the person whose application was
964 so revoked, suspended or denied shall, without delay, deliver or surrender to the licensing
965 authority where the person resides all firearms or ammunition which are registered to the person
966 or that the person then possesses and shall report such delivery or surrender to the electronic
967 firearms registration system pursuant to section 122. The person or the person's legal
968 representative shall have the right, at any time up to 1 year after the delivery or surrender, to
969 transfer the firearms and ammunition, notwithstanding the limits on private firearm transfers in

970 section 127B, to a licensed dealer or to a person legally permitted to purchase or take possession
971 of the firearms and ammunition and, upon notification in writing by the purchaser or transferee
972 and the former owner, the licensing authority shall within 10 days deliver the firearms and
973 ammunition to the transferee or purchaser and the licensing authority shall observe due care in
974 the receipt and holding of any such firearm or ammunition; provided, however, that the
975 purchaser or transferee shall affirm in writing that the purchaser or transferee shall not transfer
976 the firearms or ammunition to the former owner; provided, however, that such transfer shall not
977 be permitted if the firearm may be evidence in any pending criminal investigation. The licensing
978 authority shall at the time of delivery or surrender inform the person in writing of their right to
979 request a transfer in accordance with this paragraph.

980 (b) The licensing authority, after taking possession of any firearm or ammunition by any
981 means, may transfer possession for storage purposes to a federally licensed firearms dealer who
982 operates a bonded warehouse on the licensed premises that is equipped with a safe for the secure
983 storage of firearms and a weapon box or similar container for the secure storage of ammunition;
984 provided, however, that the licensing authority shall not transfer to such dealer possession of any
985 firearm or ammunition that may be evidence in any pending criminal investigation. Any such
986 dealer that takes possession of a firearm or ammunition pursuant to this section shall: (i) inspect
987 the firearm or ammunition; (ii) issue to the owner a receipt indicating the make, model, caliber,
988 serial number and condition of each firearm or ammunition so received; and (iii) store and
989 maintain all firearms and ammunition so received in accordance with such regulations, rules or
990 guidelines as the secretary of the executive office of public safety and security may establish
991 under this section. The owner shall be liable to such dealer for reasonable storage charges.

992 (c) Firearms and ammunition not disposed of within 1 year of delivery or surrender
993 pursuant to this section shall be sold at public auction by the colonel of the state police to the
994 highest bidding person legally permitted to purchase and possess said firearms and ammunition
995 and the proceeds shall be remitted to the General Fund.

996 (d) Any such firearm or ammunition that is stored and maintained by a licensed dealer
997 may be so auctioned pursuant to subsection (c) at the direction of: (i) the licensing authority at
998 the expiration of 1 year following initial surrender or delivery to such licensing authority; or (ii)
999 the dealer then in possession, if the storage charges for such firearm or ammunition have been in
1000 arrears for 90 days; provided, however, that in either case, title shall pass to the licensed dealer
1001 for the purpose of transferring ownership to the auctioneer; provided further, that in either case,
1002 after deduction and payment for storage charges and all necessary costs associated with such
1003 surrender and transfer, all surplus proceeds, if any, shall be immediately returned to the owner of
1004 such firearm or ammunition; provided, however, that any firearm or ammunition identified
1005 pursuant to section 122C as having been used to carry out a criminal act and any firearm or
1006 ammunition prohibited by law from being owned or possessed within the commonwealth shall
1007 not be sold at public auction pursuant to this section and shall instead be destroyed by the colonel
1008 of the state police.

1009 (e) Unless otherwise required in this chapter, if the licensing authority cannot reasonably
1010 ascertain a lawful owner within 180 days of acquisition by the licensing authority, the licensing
1011 authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms
1012 or ammunition to properly licensed distributors or firearms dealers. The proceeds of the sale or
1013 transfer shall be remitted or credited to the municipality in which the licensing authority presides
1014 to purchase weapons, equipment or supplies or for violence reduction or suicide prevention;

1015 provided, however, that no firearm or ammunition identified pursuant to section 122C as having
1016 been used to carry out a criminal act shall be considered surplus, donated, abandoned or junk for
1017 the purposes of this section.

1018 (f) The licensing authority shall report the delivery or surrender or seizure of firearms and
1019 ammunition pursuant to sections 131 to 131H, inclusive, to the department of criminal justice
1020 information services via the electronic firearms registration system. The report shall include the
1021 following information: (i) date of delivery, surrender or seizure; (ii) make, model, serial number
1022 and caliber of the firearm delivered, surrendered or seized and any identifying information for
1023 ammunition delivered, surrendered or seized; (iii) grounds for surrender or seizure; (iv) whether
1024 the firearm or ammunition is prohibited by law from being owned or possessed in the
1025 commonwealth; (v) whether the firearm or ammunition was classified as having been used to
1026 carry out a criminal act; (vi) information on the possession, storage, transfer, sale and any
1027 income derived therefrom; and (vii) the destruction or other disposition of the firearm or
1028 ammunition. Upon submission of this information, the system shall automatically report back to
1029 the licensing authority whether the firearm is registered, serialized, reported lost or stolen or
1030 potential evidence in a pending criminal investigation.

1031 (g) The secretary of the executive office of public safety and security may promulgate
1032 rules and regulations as necessary to carry out this section.

1033 SECTION 45. Said chapter 140 is hereby further amended by striking out section 124, as
1034 so appearing, and inserting in place thereof the following 6 sections:-

1035 Section 124. (a) A license to carry firearms shall entitle the holder thereof to purchase,
1036 transfer, possess and carry firearms including large capacity firearms and ammunition therefor.

1037 This license shall not entitle a holder thereof to transfer, possess or carry large capacity feeding
1038 devices or assault-style firearms unless such transfer, possession or carry is permitted under
1039 section 128B.

1040 (b) Any lawful resident 21 years of age or older residing within the jurisdiction of the
1041 licensing authority, any law enforcement officer employed by the licensing authority or any
1042 person residing in an area of exclusive federal jurisdiction located within a city or town may
1043 submit to the licensing authority an application for a license to carry firearms, or renewal of the
1044 same, which the licensing authority shall issue if the licensing authority determines that the
1045 applicant is neither a prohibited person nor unsuitable under section 123 to transfer, possess or
1046 carry a firearm; provided, however, that upon an initial application for a license to carry firearms,
1047 the licensing authority shall conduct a personal interview with the applicant.

1048 (c) No person shall be issued a license to carry or possess a machine gun in the
1049 commonwealth or be otherwise legally entitled to transfer, possess or carry a machine gun;
1050 provided, however, that a licensing authority or the colonel of the state police may issue a
1051 machine gun license to: (i) a firearm instructor certified by the municipal police training
1052 committee for the sole purpose of firearm instruction to police personnel; or (ii) a bona fide
1053 collector of firearms upon application for renewal of such license.

1054 (d) No license shall issue under this section unless the applicant submits with their
1055 application a basic firearms safety certificate pursuant to section 126.

1056 (e) A person issued a license under this section shall report any change of address via the
1057 electronic firearm registration system administered by the commissioner of the department of
1058 criminal justice information services. Such notification shall be made on said electronic firearms

1059 registration system within 30 days of its occurrence. Failure to notify in a timely manner shall be
1060 cause for revocation or suspension of said license.

1061 (f) A license to carry firearms shall be valid, unless revoked or suspended, for a period of
1062 not more than 6 years and shall expire on the anniversary of the licensee's date of birth occurring
1063 not less than 5 years nor more than 6 years from the date of issue. Any license issued to an
1064 applicant born on February 29 shall expire on March 1.

1065 (g) Any person issued a license to carry firearms, who, while in possession of a firearm
1066 and not being within the limits of their own property or residence, or any such person whose
1067 property or residence is under lawful search, shall on demand of a law enforcement officer,
1068 exhibit their license. Failure to do so may result in the surrender of said person's firearms and
1069 ammunition, which shall be taken into custody pursuant to section 123D; provided, however, that
1070 such firearms and ammunition shall be returned forthwith within 30 days of presenting a valid
1071 license to the appropriate law enforcement agency.

1072 Section 124A. (a) A long gun permit shall entitle the holder to purchase, transfer, possess
1073 and carry common long guns, and the ammunition therefor. A long gun permit shall not entitle a
1074 holder to transfer, possess or carry any other firearm including any large capacity firearm,
1075 semiautomatic rifle or semiautomatic shotgun except under the direct supervision of a holder of a
1076 license to carry firearms at an incorporated shooting club or a licensed shooting range.

1077 (b) Any lawful resident 18 years of age or older residing within the jurisdiction of the
1078 licensing authority or residing in an area of exclusive federal jurisdiction located within a city or
1079 town may submit to the licensing authority an application for a long gun permit, or renewal of
1080 the same, which the licensing authority shall issue if it appears that the applicant is not a

1081 prohibited person and no judicial stay is requested as outlined in section 123. A person aged 15
1082 years or older, but less than 18 years of age may submit an application for a long gun permit and
1083 shall be issued the same only if the applicant meets the requirements of this section and submits
1084 with the application a certificate of a parent or guardian granting the applicant permission to
1085 apply for the permit. A person 14 years of age may submit an application for a long gun permit
1086 but the applicant shall not be issued the permit until they reach 15 years of age.

1087 (c) No permit shall be issued under this section unless the applicant submits with their
1088 application a basic firearms safety certificate required pursuant to section 126.

1089 (d) A person issued a permit under this section shall report any change of address via the
1090 electronic firearm registration system administered by the commissioner of the department of
1091 criminal justice information services. Such notification shall be made on the portal within 30
1092 days of its occurrence. Failure to notify in a timely manner shall be cause for revocation or
1093 suspension of said permit.

1094 (e) A permit shall be valid, unless revoked or suspended, for a period of not more than 6
1095 years and shall expire on the anniversary of the permit holder's date of birth occurring not less
1096 than 5 years nor more than 6 years from the date of issue. Any permit issued to an applicant born
1097 on February 29 shall expire on March 1.

1098 (f) Any person issued a permit under this section, who, while in possession of a firearm
1099 and not being within the limits of their own property or residence, or any such person whose
1100 property or residence is under lawful search, shall on demand by a law enforcement officer,
1101 exhibit a permit authorizing possession of such firearms. Failure to do so may result in the
1102 surrender of all firearms and ammunition therefor which shall be taken into custody pursuant to

1103 section 123D; provided, however, that such firearms and ammunition shall be returned forthwith
1104 upon the presentation within 30 days of a valid long gun permit.

1105 Section 124B. (a) A temporary license to carry firearms or ammunition within the
1106 commonwealth shall be issued by the colonel of the state police or their designee in accordance
1107 with the qualification requirements and procedures for a license to carry firearms issued under
1108 section 124, to:

1109 (i) a resident of the commonwealth for purposes of sports competition;

1110 (ii) a nonresident for purposes of a firearm competition;

1111 (iii) a nonresident who is in the employ of a bank, public utility corporation, or a firm
1112 engaged in the business of transferring monies, or business of a similar nature, or a firm licensed
1113 as a private detective under chapter 147, and whose application is endorsed by an employer; or

1114 (iv) a nonresident who is a member of the armed services and is stationed within the
1115 territorial boundaries of the commonwealth and has the written consent of their commanding
1116 officer.

1117 (b) A temporary license to possess a machine gun within the commonwealth, may be
1118 issued by the colonel of the state police or their designee in accordance with the qualification
1119 requirements and procedures for a license to carry a machine gun issued under section 124 to a
1120 nonresident employee of a federally licensed manufacturer of machine guns for the purpose of
1121 transporting or testing relative to the manufacture of machine guns, and whose application is
1122 endorsed by their employer.

1123 (c) A temporary license issued under clauses (i) and (ii) of subsection (a) shall be valid
1124 for a period of 1 year and may be renewed, if necessary, by the colonel or their designee. A
1125 temporary licensed issued under clauses (iii) and (iv) of subsection (a) and under subsection (b)
1126 may be issued for any term not to exceed 2 years and shall expire in accordance with the terms in
1127 section 123B.

1128 (d) The colonel or their designee may permit a licensee under this section to possess a
1129 large capacity firearm and large capacity feeding device; provided, however, that this entitlement
1130 shall be clearly indicated on the license and such large capacity firearm shall not be an assault-
1131 style firearm prohibited by section 128B, and such large capacity feeding device shall be used in
1132 accordance with section 128B.

1133 (e) A temporary license issued pursuant to this section shall clearly be marked as such
1134 and may not be used to purchase a firearm or ammunition without a valid permit to purchase
1135 issued under section 124C, or otherwise transfer firearms or ammunition within the
1136 commonwealth.

1137 Section 124C. (a) A person with a temporary license issued under section 124B shall not
1138 purchase, rent or lease a firearm or ammunition in the commonwealth without a valid permit to
1139 purchase issued under this section. A person with a temporary license issued under section 124B,
1140 shall apply to the colonel of the state police or their designee for a permit to purchase, rent or
1141 lease a firearm or ammunition therefor which may be granted if it appears that such purchase,
1142 rental or lease is not for an unlawful purpose. A permit to purchase shall be valid for not more
1143 than 10 days after issue and may be revoked at will.

1144 (b) Whoever knowingly issues a permit in violation of this section shall be punished by a
1145 fine of not less than \$500 nor more than \$1,000 and by imprisonment for not less than 6 months
1146 nor more than 2 years in the house of correction.

1147 Section 124D. Sections 126, 128A and 129 shall not apply to stun guns. The secretary of
1148 public safety and security shall promulgate regulations restricting access or use of stun guns by
1149 non-licensed persons and establishing minimum safety and quality standards, safe storage
1150 requirements, education and safety training requirements and law enforcement training on the
1151 appropriate use of stun guns, which shall require that any stun gun purchased or used by a law
1152 enforcement or public safety official include a mechanism for tracking the number of times the
1153 stun gun has been fired.

1154 Section 124E. (a) No person under 18 years of age may purchase or possess self-defense
1155 spray without a self-defense spray permit issued by a licensing authority. This permit shall be
1156 valid to purchase and possess self-defense spray, including all chemical mace, pepper spray or
1157 other similarly propelled liquid, gas or powder designed to temporarily incapacitate.

1158 (b) A local licensing authority may issue to a person at least 15 years of age but less than
1159 18 years a self-defense spray permit if the person is not a prohibited person or unsuitable under
1160 section 123. A self-defense spray permit shall be issued for the sole purpose of purchasing and
1161 possessing self-defense spray and shall clearly state that it is valid for such limited purpose only.
1162 This permit may be issued to a person under the age of 15 if the applicant submits with their
1163 application a certificate from the applicant's parent or guardian granting permission to apply for
1164 this permit.

1165 (c) Whoever, not being licensed as provided in section 125, sells self-defense spray shall
1166 be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for
1167 not more than 2 years. Whoever licensed under section 125, sells self-defense spray to a person
1168 younger than 18 years of age who does not have a self-defense spray permit, shall be punished
1169 by a fine of not more than \$300.

1170 (d) A person under 18 years of age who purchases or possesses self-defense spray and
1171 who does not have a self-defense spray permit shall be punished by a fine of not more than \$300.

1172 (e) A self-defense spray permit shall be valid for a period of 3 years and shall expire on
1173 the anniversary of the permit holder's date of birth occurring not less than 3 years nor more than
1174 4 years from the date of issue. Any permit issued to an applicant born on February 29 shall
1175 expire on March 1.

1176 SECTION 46. Said chapter 140 is hereby further amended by striking out section 125, as
1177 so appearing, and inserting in place thereof the following 4 sections:-

1178 Section 125. (a) A licensing authority may grant a license to sell, rent, lease, purchase or
1179 otherwise transfer firearms and ammunition therefor, or to be in business as a gunsmith, to any
1180 person 21 years of age or older who is neither a prohibited person nor deemed unsuitable to be
1181 issued said license pursuant to section 123 and who completes the online dealer training classes
1182 mandated under subsection (b) of section 126A.

1183 (b) Licensees shall maintain a business premise that is not a residential dwelling wherein
1184 all transactions shall be conducted and wherein all records shall be kept. A license to sell shall
1185 not entitle the holder thereof to possess or carry any firearm or ammunition outside of the
1186 licensed business premises. A license to sell shall not authorize a licensee to carry a firearm at

1187 any place outside their licensed place of business. The licensee may request a transfer of a
1188 license to sell from 1 location to another within the city or town of the licensing authority's
1189 jurisdiction and such request shall be granted at the discretion of the licensing authority, upon the
1190 same terms and conditions upon which the license was originally granted. A license to sell may
1191 not be transferred to any other person or entity.

1192 (c) Licensees shall display their license to sell or a copy thereof, certified by the licensing
1193 authority, in a position where it can be easily read; provided, however, that no firearm shall be
1194 displayed in any outer window of the business premises or in any other place where it can be
1195 readily seen from outside the business premises.

1196 (d) Licensees shall conspicuously post and distribute at each purchase counter a notice
1197 providing information on: (i) safe transportation and storage of firearms developed and provided
1198 by the department of criminal justice information services who shall develop and maintain on its
1199 website for download a sign providing such information; and (ii) suicide prevention developed
1200 and provided by the division on violence and injury prevention within the department of public
1201 health who shall develop and make available on its website for download a sign providing the
1202 information on suicide prevention.

1203 (e) A license to sell firearms shall expire 3 years from the date of issuance.

1204 Section 125A. (a) As used in this section "licensee" shall mean a person with a license to
1205 sell under section 125.

1206 (b) Prior to any transfer a licensee shall verify the status of any license, permit or
1207 exemption documentation including a verification that the person presenting the license, permit
1208 or documentation is the lawful holder thereof. No transfer of any firearm or ammunition shall be

1209 made to any person not in possession of the required license, permit or exemption documentation
1210 at the time of the transaction.

1211 (c) Upon being presented with an expired, suspended or revoked license or permit a
1212 licensee shall:

1213 (i) immediately report all firearm transfers and transactions to the department of criminal
1214 justice information services using its electronic firearms registration system, including, but not
1215 limited to, all information recorded pursuant to subsection (d);

1216 (ii) take possession of such card or license and immediately forward the same to the
1217 licensing authority for the city or town where the licensee conducts business;

1218 (iii) issue the license or permit holder a receipt, in a form provided by the commissioner
1219 of the department of criminal justice information services, which shall state that the holder's
1220 license or permit is expired, suspended or revoked, was taken by the licensee, and forwarded to
1221 the licensing authority, and which shall be valid for 90 days for the purpose of providing
1222 immunity from prosecution under section 10 of chapter 269; and

1223 (iv) notify the license or permit holder of their duty to surrender their firearms forthwith
1224 to their local licensing authority under section 123D.

1225 The licensee shall be immune from civil and criminal liability for good faith compliance
1226 with the provisions herein.

1227 (d) The licensee shall make and keep an on-site or electronic record of all firearm
1228 transactions and said record shall be open at all times to the inspection of the police. Before

1229 transfer or delivery of any sold, rented, leased or otherwise transferred firearm or ammunition, a
1230 legible entry in the on-site or electronic record shall be made and kept specifying:

1231 (i) the complete description of the firearm and ammunition transferred, including the
1232 make, serial number, type of firearm and designation as a large capacity firearm, if applicable;

1233 (ii) whether the firearm or ammunition has been sold, rented or leased and the date of
1234 such transaction;

1235 (iii) the license or permit identification number of the person acquiring the firearm, or
1236 ammunition along with their sex, residence address and occupation; and

1237 (iv) the purchaser, renter or lessee's name as personally written by said person in the
1238 sales record book and as confirmed by valid state or federal identification.

1239 (e) Licensees shall, immediately upon notice of any loss or theft of a firearm or
1240 ammunition from the licensee or licensee's business premises immediately report such loss or
1241 theft to the department of criminal justice information services via the electronic firearms
1242 registration system created pursuant to section 122.

1243 (f) A licensee may sell or transfer firearms, and ammunition at any regular meeting of an
1244 incorporated collectors club or at a gun show open to the general public; provided, however, that
1245 a licensee shall comply with all other provisions of this section and that such sale or transfer is in
1246 conformity with both federal and state law and regulations.

1247 (g) No licensee shall fill an order for any firearm or ammunition received by mail,
1248 facsimile, telephone, internet or other telecommunication unless such transaction includes the in-
1249 person presentation of the required license, permit or documentation as required herein prior to

1250 any sale, delivery or any form of transfer or possession. Transactions between federally licensed
1251 dealers shall be exempt from this subsection.

1252 (h) Licensees shall ensure that all firearms and ammunition shall be unloaded when
1253 delivered and that delivery shall be only made to a person properly licensed, permitted or
1254 exempted to possess the firearms or ammunition included in the delivery.

1255 (i) Any licensee, and any employee or agent of such a licensee, who violates this section
1256 shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment
1257 for not less than 1 year nor more than 10 years, or by both such fine and imprisonment.

1258 (j) The department of state police shall enter the business premises of any licensee 1 time
1259 per calendar year during regular business hours and shall make inquiries and inspect the
1260 licensee's records, inventory, policies and procedures for the purpose of enforcing the provisions
1261 of this section. Licensees found to be in violation of this section shall be subject to the
1262 suspension or revocation of their license to sell. The department of the state police shall
1263 promulgate rules and regulations to effectuate the purposes of this subsection. Nothing herein
1264 shall prohibit any other law enforcement agency from conducting such inspections pursuant to a
1265 valid search warrant issued by a court of competent jurisdiction.

1266 Section 125B. (a) A lawfully incorporated sporting or shooting club shall, upon
1267 application, be licensed by the colonel of the state police or their designee to sell or supply
1268 ammunition for regulated shooting on their premises, such as for skeet, target or trap shooting;
1269 provided, however, that such club license shall, on behalf of said club, be issued to and exercised
1270 by an officer or duly authorized member of the club who themselves possess a license to carry
1271 firearms and who would not be disqualified to receive a license to sell in their own right. This

1272 license shall be subject to the same terms, conditions and qualifications of a license to sell issued
1273 under section 125.

1274 (b) A club or facility, incorporated under the laws of the commonwealth, with an on-site
1275 shooting range or gallery, may be licensed by the colonel of the state police, after an
1276 investigation, for the possession, storage and use of large capacity firearms and ammunition
1277 therefor for use on the premises of the club; provided, however that not less than 1 shareholder of
1278 the club shall be qualified and suitable to be issued a license to carry under section 124; and
1279 provided further, that such large capacity firearms may be used under the club license only by a
1280 member that possesses a valid license to carry firearms issued pursuant to section 124, or by such
1281 other person that the club permits while under the direct supervision of a certified firearms safety
1282 instructor or club member who possesses a valid license to carry firearms.

1283 (c) The club shall:

1284 (i) not permit shooting at targets that depict human figures, human effigies, human
1285 silhouettes or any human images thereof, except by public safety personnel performing in line
1286 with their official duties;

1287 (ii) not allow the removal of any large capacity firearm from the premises except as
1288 permitted by law in order to: (A) transfer to a licensed dealer; (B) transport to a licensed
1289 gunsmith for repair; (C) transport to target, trap or skeet shoot on the premises of another club
1290 incorporated under the laws of the commonwealth; (D) transport to attend an exhibition or
1291 educational project or event that is sponsored by, conducted under the supervision of or approved
1292 by a public law enforcement agency or a national or state recognized entity that promotes

1293 proficiency in or education about semiautomatic weapons; (E) hunt pursuant to chapter 131; or
1294 (F) surrender the firearm pursuant to section 121C;

1295 (iii) secure in a locked container and unload during any lawful transport all large capacity
1296 firearms or feeding devices kept on the premises when not in use;

1297 (iv) annually file a report with the colonel of the state police and the commissioner of the
1298 department of criminal justice information services listing all large capacity firearms and large
1299 capacity feeding devices owned or possessed under the license; and

1300 (v) permit the colonel to inspect all firearms owned or possessed by the club upon request
1301 during regular business hours.

1302 Section 125C. (a) No licensee under section 125 shall sell, rent, lease or otherwise
1303 transfer any firearm described in this section except to a business entity that is primarily a
1304 firearm wholesaler, and such transfer shall, by its terms, prohibit the purchaser from reselling
1305 such firearm to a firearm retailer or consumer in the commonwealth. This section shall apply to:

1306 (i) a firearm that has a frame, barrel, cylinder, slide or breechblock that is composed of:
1307 (A) any metal having a melting point of less than 900 degrees Fahrenheit; (B) any metal having
1308 an ultimate tensile strength of less than 55,000 pounds per square inch; or (C) any powdered
1309 metal having a density of less than 7.5 grams per cubic centimeter. This clause shall not apply to
1310 any make and model of a firearm for which a sample of 3 firearms in new condition all pass the
1311 following test: each of the 3 samples shall fire 600 rounds, stopping every 100 rounds to tighten
1312 any loose screws and to clean the gun if required by the cleaning schedule in the user manual,
1313 and as needed to refill the empty magazine or cylinder to capacity before continuing. For any
1314 firearm that is loaded in a manner other than via a detachable magazine, the tester shall also

1315 pause every 50 rounds for 10 minutes. The ammunition used shall be the type recommended by
1316 the firearm manufacturer in its user manual or, if none is recommended, any standard of
1317 ammunition of the correct caliber in new condition. A firearm shall pass this test if it fires the
1318 first 20 rounds without a malfunction, fires the full 600 rounds with not more than 6
1319 malfunctions and completes the test without any crack or breakage of an operating part of the
1320 firearm that does not increase the danger of injury to the user. For purposes of this clause
1321 “malfunction” shall mean any failure to feed, chamber, fire, extract or eject a round or any
1322 failure to accept or eject a magazine or any other failure which prevents the firearm, without
1323 manual intervention beyond that needed for routine firing and periodic reloading, from firing the
1324 chambered round or moving a new round into position so that the firearm is capable of firing the
1325 new round properly. “Malfunction” shall not include a misfire caused by a faulty cartridge the
1326 primer of which fails to detonate when properly struck by the firearm’s firing mechanism;

1327 (ii) a firearm that is prone to accidental discharge which, for purposes of this clause, shall
1328 mean any make and model of firearm for which a sample of 5 firearms in new condition all
1329 undergo, and none discharge during, the following test: each of the 5 sample firearms shall be:
1330 (A) test loaded; (B) set so that the firearm is in a condition such that pulling the trigger and
1331 taking any action that shall simultaneously accompany the pulling of the trigger as part of the
1332 firing procedure would fire the firearm; and (C) dropped onto a solid slab of concrete from a
1333 height of 1 meter from each of the following positions: (1) normal firing position; (2) upside
1334 down; (3) on grip; (4) on the muzzle; (5) on either side; and (6) on the exposed hammer or striker
1335 or, if there is no exposed hammer or striker, the rearmost part of the firearm. If the firearm is
1336 designed so that its hammer or striker may be set in other positions, each sample firearm shall be
1337 tested as above with the hammer or striker in each such position but otherwise in such condition

1338 that pulling the trigger, and taking any action that shall simultaneously accompany the pulling of
1339 the trigger as part of the firing procedure, would fire the firearm. Alternatively, the tester may
1340 use additional sample firearms of the same make and model, in a similar condition, for the test of
1341 each of these hammer striker settings;

1342 (iii) a firearm that is prone to: (A) firing more than once per pull of trigger; or (B)
1343 explosion during firing; and

1344 (iv) a firearm that has a barrel less than 3 inches in length, unless the licensee discloses in
1345 writing, prior to the transaction, to the prospective buyer, lessee or transferee the limitations of
1346 the accuracy of the particular make and model of the subject firearm, by disclosing the make and
1347 model's average group diameter test result at 7 yards, average group diameter test result at 14
1348 yards and average group diameter test result at 21 yards. For purpose of this clause, "average
1349 group diameter test result" shall mean the arithmetic mean of three separate trials, each
1350 performed as follows on a different sample firearm in new condition of the make and model at
1351 issue. Each firearm shall fire 5 rounds at a target from a set distance and the largest spread in
1352 inches between the centers of any of the holes made in the test target shall be measured and
1353 recorded. This procedure shall be repeated 2 more times on the firearm. The arithmetic mean of
1354 each of the 3 recorded results shall be deemed the result of the trial for that particular sample
1355 firearm. The ammunition used shall be the type recommended by the firearm manufacturer in its
1356 user manual, if none is recommended, any standard ammunition of the correct caliber in new
1357 condition.

1358 (b) Subsection (a) shall not apply to: (i) a firearm lawfully owned or possessed under a
1359 license issued under this chapter on or before October 21, 1998; (ii) a stun gun; or (iii) a firearm

1360 designated by the secretary of public safety, with the advice of the firearm control advisory
1361 board, established pursuant to section 128, as a firearm solely designed and sold for formal target
1362 shooting competition or for Olympic shooting competition and listed on the rosters pursuant to
1363 section 128A.

1364 (c) Any licensee and any employee or agent of such a licensee who violates this section
1365 shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment
1366 for not less than one year nor more than 10 years, or by both such fine and imprisonment.

1367 SECTION 47. Said chapter 140 is hereby further amended by striking out section 126, as
1368 so appearing, and inserting in place thereof the following 4 sections:-

1369 Section 126. (a) Any person applying for the issuance of a license or permit under
1370 sections 124 to 124B, inclusive, shall, in addition to the requirements set forth in this chapter,
1371 submit to the licensing authority a basic firearms safety certificate; provided, however, that a
1372 certificate issued under section 14 of chapter 131 evidencing satisfactory completion of a hunter
1373 education course shall serve as a valid substitute for a basic firearms safety certificate required
1374 under this section for the issuance of a long gun permit. Persons lawfully possessing a firearm
1375 identification card or license to carry firearms on August 1, 2024, shall be exempt from this
1376 section upon expiration of such card or license and when applying for renewal of such licensure
1377 as required under this chapter. No application for the issuance of a long gun permit or license to
1378 carry shall be accepted or processed by the licensing authority without such certificate attached
1379 thereto; provided, however, that this section shall not apply to: (i) any officer, agent or employee
1380 of the commonwealth or any state of the United States; (ii) any member of the military or other
1381 service of any state or of the United States; (iii) any duly authorized law enforcement officer,

1382 agent or employee of any municipality of the commonwealth; provided, however, that any such
1383 person described in clauses (i) to (iii), inclusive, shall be authorized by a competent authority to
1384 carry or possess the firearm so carried or possessed and shall be acting within the scope of their
1385 duties.

1386 (b)(i) The colonel of state police, in consultation with the municipal police training
1387 committee, shall promulgate rules and regulations governing the issuance and form of basic
1388 firearms safety certificates required pursuant to this section, including minimum requirements for
1389 course curriculum and the contents of any written examination. The colonel shall create a written
1390 examination and establish minimum requirements to pass said examination which shall be used
1391 in all firearm safety courses or programs mandated under this section.

1392 (ii) The colonel shall further certify certain persons as firearms safety instructors, certify
1393 safety course curriculum and annually update and post on the department of state police's
1394 website a list of approved instructors. Certification as a firearm safety instructor shall be valid for
1395 a period of 10 years, unless sooner revoked by reason of unsuitability, in the discretion of said
1396 colonel. Firearms safety instructors shall be any person certified by a nationally recognized
1397 organization that fosters safety in firearms, or any other person in the discretion of said colonel,
1398 to be competent to give instruction in a basic firearms safety course. Applicants for certification
1399 as instructors under this section shall not be exempt from the requirements of this chapter or any
1400 other law or regulation of the commonwealth or the United States. Upon application to the
1401 colonel of state police, said colonel may, in their discretion, certify as a firearms safety instructor
1402 any person who operates a firearms safety course or program which provides in its curriculum:
1403 (a) the safe use, handling and storage of firearms; (b) methods for securing and childproofing
1404 firearms; (c) the applicable laws relating to the possession, transportation and storage of

1405 firearms; (d) knowledge of operation, potential dangers and basic competency in the ownership
1406 and use of firearms; (e) injury prevention and harm reduction education; (f) active shooter and
1407 emergency response training; (g) applicable laws relating to the use of force; (h) de-escalation
1408 and disengagement tactics; and (i) live firearms training.

1409 (iii) The department of state police may impose a fee of \$50 for initial issuance of such
1410 certification to offset the cost of certifying instructors. The fee for certification renewal shall be
1411 \$10.

1412 (c)(i) Any firearms safety instructor certified under this section may, in their discretion,
1413 issue a basic firearms safety certificate to any person who successfully completes the
1414 requirements of a basic firearms safety course approved by the colonel. No firearms safety
1415 instructor shall issue or cause to be issued any basic firearms safety certificate to any person who
1416 fails to meet minimum requirements of the prescribed course of study including, but not limited
1417 to, demonstrated competency in the use of firearms through class participation, satisfactory
1418 completion of the written examination as prescribed by the colonel and live firearms training.

1419 (ii) Firearms safety instructors certified under this section shall forward to the department
1420 of criminal justice information services copies of basic firearms safety course certificates issued,
1421 which shall include a certification of each person's satisfactory completion of the basic firearms
1422 safety course and competency in the ownership and use of firearms. Upon receipt, the
1423 department of criminal justice information services shall forward a copy of such certificate to the
1424 applicant.

1425 (iii) Licensing authorities shall require a copy of such certificate to be provided
1426 concurrently with an application for a license or permit and may make inquiry to the department

1427 of criminal justice information services to confirm the issuance to the applicant of a basic
1428 firearms safety certificate.

1429 (d) Any person applying for issuance of a license or permit under sections 124 to 124B,
1430 inclusive, who knowingly files or submits a basic firearms safety certificate to a licensing
1431 authority which contains false information shall be punished by a fine of not less than \$1,000 nor
1432 more than \$5,000 or by imprisonment for not more than 2 years in a house of correction, or by
1433 both such fine and imprisonment.

1434 (e) Any firearms safety instructor who knowingly issues a basic firearms safety certificate
1435 to a person who has not successfully completed a firearms safety course approved by the colonel
1436 shall be punished by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for
1437 not more than 2 years in a house of correction, or by both such fine and imprisonment.

1438 (f) The colonel of state police shall produce and distribute public service announcements
1439 to encourage and educate the general public about: (i) safe storage and transportation of weapons
1440 as outlined in sections 126B and 126C; and (ii) the importance of firearms safety education and
1441 training, including information on places and classes that a person may attend to obtain firearms
1442 safety education and training.

1443 Section 126A. (a) Licensing authorities shall participate in training seminars as
1444 prescribed by the executive office of public safety and security which shall include, but shall not
1445 be limited to, instruction on: (i) current laws, regulations and rules relating to this chapter; (ii)
1446 licensing responsibilities; (iii) record keeping obligations; (iv) firearm surrender, registration and
1447 tracing; and (v) electronic database use. Regulations prescribed by the executive office of public
1448 safety and security may include penalties for non-compliance which may include review by the

1449 Massachusetts Peace Officers Standards and Training Commission, established in section 2 of
1450 chapter 6E.

1451 (b) Any person making an application for the issuance of a license to sell or renewal
1452 thereof under section 125 shall, in addition to the requirements set forth in this chapter, complete
1453 a dealer training program developed and offered online by the executive office of public safety
1454 and security. No application for the issuance of a license to sell shall be accepted or processed by
1455 the licensing authority without a certification of program completion.

1456 (c) The curriculum for the training program pursuant to subsection (b) shall include: (i)
1457 uniform standards of security for business premises; (ii) employee background check and
1458 training requirements; and (iii) information on requirements and conditions contained in sections
1459 122 to 130E, inclusive, and other laws the executive office, in its discretion, deems relevant.

1460 (d) The executive office of public safety and security shall promulgate rules and
1461 regulations to implement this section.

1462 Section 126B. (a) No person shall possess a loaded firearm under a license or permit
1463 issued under sections 124 to 124B, inclusive, or through an exemption under sections 127 or
1464 127A, in a vehicle unless the firearm is under the direct control of the person. Whoever violates
1465 this subsection shall be punished by a fine of \$500.

1466 (b) No person shall possess a large capacity firearm or machine gun under a license or
1467 permit issued under sections 124 to 124B, inclusive, or through an exemption under sections 127
1468 or 127A, in a vehicle unless it is unloaded and secured in a locked container as defined in section
1469 121. Whoever violates this subsection shall be punished by a fine of not less than \$500 nor more
1470 than \$5,000.

1471 (c) This section shall not apply to: (i) an officer, agent or employee of the
1472 commonwealth, any state or the United States; (ii) a member of the military or other service of
1473 any state or of the United States; (iii) a duly authorized law enforcement officer, agent or
1474 employee of a municipality of the commonwealth; provided, however, that a person described in
1475 clauses (i) to (iii), inclusive, shall be authorized by a competent authority to carry or possess the
1476 weapon so carried or possessed and shall be acting within the scope of the person's official
1477 duties.

1478 (d) A conviction of a violation of this section shall be reported immediately by the court
1479 or magistrate to the issuing licensing authority. The licensing authority shall immediately revoke
1480 the license or permit of the person convicted of a violation of this section. No new license or
1481 permit may be issued to a person convicted of a violation of this section until 1 year after the
1482 date of revocation of the license or permit.

1483 Section 126C. (a) It shall be unlawful to store or keep any firearm in any place unless
1484 such firearm is secured in a locked container or equipped with a tamper-resistant mechanical
1485 lock or other safety device, properly engaged so as to render the firearm inoperable by any
1486 person other than the owner or other lawfully authorized user. For purposes of this section, such
1487 firearm shall not be deemed stored or kept if carried by or under the direct control of the owner
1488 or other lawfully authorized user.

1489 (b) A violation of this section shall be punished, in the case of any firearm that is not a
1490 large capacity firearm or a machine gun, by a fine of not less than \$1,000 nor more than \$7,500
1491 or by imprisonment for not more than 1½ years or by both such fine and imprisonment and, in
1492 the case of a large capacity firearm or machine gun, by a fine of not less than \$2,000 nor more

1493 than \$15,000 or by imprisonment for not less than 1½ years nor more than 12 years or by both
1494 such fine and imprisonment.

1495 (c) A violation of this section shall be punished, in the case of a common long gun that
1496 was stored or kept in a place where a person younger than 18 years of age who does not possess
1497 a valid long gun permit issued under section 124A may have access without committing an
1498 unforeseeable trespass, by a fine of not less than \$2,500 nor more than \$15,000 or by
1499 imprisonment for not less than 1½ years nor more than 12 years or by both such fine and
1500 imprisonment.

1501 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a
1502 large capacity firearm or a semiautomatic firearm, or any other firearm that was stored or kept in
1503 a place where a person younger than 18 years of age may have access without committing an
1504 unforeseeable trespass, by a fine of not less than \$10,000 nor more than \$20,000 or by
1505 imprisonment for not less than 4 years nor more than 15 years or by both such fine and
1506 imprisonment.

1507 (e) A violation of this section shall be evidence of wanton or reckless conduct in any
1508 criminal or civil proceeding if a person under the age of 18 who was not a trespasser or was a
1509 foreseeable trespasser acquired access to a firearm, unless such person possessed a valid long
1510 gun permit issued under section 124A and was permitted by law to possess such firearm, and
1511 such access results in the personal injury to or the death of any person.

1512 SECTION 48. Said chapter 140 is hereby further amended by striking out section 127, as
1513 so appearing, and inserting in place thereof the following 3 sections:-

1514 Section 127. (a) Possession of a firearm or ammunition for a particular purpose and
1515 limited time without being duly licensed or permitted under sections 124 to 124B, inclusive,
1516 shall be permitted by:

1517 (i) a person voluntarily surrendering the firearm or ammunition to a licensing authority
1518 pursuant to section 123D or to the colonel of the state police pursuant to section 121C;

1519 (ii) a resident of the commonwealth returning after having been absent from the
1520 commonwealth for not less than 180 consecutive days or any new resident moving to the
1521 commonwealth, only with respect to any firearm or ammunition then in their possession prior to
1522 moving or return, for 60 days after such return or entry into the commonwealth; or

1523 (iii) an heir or devisee upon the death of the legal owner of the firearm or ammunition for
1524 not more than 60 days after said firearm or ammunition is transferred into their possession and
1525 who shall also be permitted to sell or otherwise transfer said firearm or ammunition to a duly
1526 licensed person within this time period pursuant to section 127B.

1527 (b) Possession of a firearm or ammunition while under direct supervision of an individual
1528 licensed under section 124 to 124B, inclusive, and only for a particular purpose and limited time
1529 without being duly licensed or permitted under said sections 124 to 124B, inclusive, is permitted
1530 by:

1531 (i) a retail customer for the purpose of firing at duly licensed target concessions at
1532 amusement parks, piers and similar locations; provided, that the firearms to be so used shall be
1533 firmly chained or affixed to the counter and shall be under the direct supervision of a duly
1534 licensed or permitted proprietor or employee thereof;

1535 (ii) a professional photographer or writer for examination purposes while in the pursuit of
1536 their profession or during the course of any television, movie, stage or other similar theatrical
1537 production; provided, however, that they are at all times under the immediate supervision of a
1538 holder of a license to carry or, in the case of common long guns only, a long gun permit;

1539 (iii) a person within the course of any television, movie, stage or similar theatrical
1540 production while under the immediate supervision of a person licensed to carry firearms and only
1541 in regard to the possession of a firearm and blank ammunition; or

1542 (iv) a person in the presence of a holder of the necessary license or permit for the purpose
1543 of examination, trial or instruction.

1544 (c) Common carriers and their duly authorized employees and agents, may possess
1545 firearms and ammunition therefor without being duly licensed or permitted under said sections
1546 124 to 124B, inclusive, while performing the regular and ordinary transport of firearms as
1547 merchandise for customers duly licensed to permit such transport so long as they abide by all
1548 storage and transportation requirements set forth in section 126B and 126C.

1549 (d) Notwithstanding section 130E, banks or institutional lenders and their duly authorized
1550 employees and agents, may possess and transfer non large capacity firearms and ammunition
1551 therefor as collateral for a secured commercial transaction or as a result of a default thereof
1552 without being duly licensed or permitted under said sections 124 to 124B, inclusive.

1553 (e) Other organizations and their duly authorized employees and agents, may purchase,
1554 transfer and possess non large capacity firearms and ammunition therefor for a particular purpose
1555 and limited time without being duly licensed or permitted under this chapter if they are:

1556 (i) a federally licensed firearms manufacturer or wholesale dealer or their employees or
1557 agents may possess firearms and ammunition therefor when their possession is necessary for
1558 manufacture, display, storage, transport, installation, inspection, or testing;

1559 (ii) federal, state and local historical societies, museums, and institutional collections
1560 open to the public may possess firearms and ammunition therefor; provided, that such firearms
1561 shall be unloaded and properly housed and secured from unauthorized handling and further
1562 provided that the requirements for sales in section 127B are met; or

1563 (iii) a veteran's organization chartered by the congress of the United States, chartered by
1564 the commonwealth or recognized as a nonprofit tax-exempt organization by the internal revenue
1565 service and its members may possess firearms and ammunition; provided, however, that
1566 members may only possess unloaded large capacity rifles or unloaded large capacity shotguns or
1567 large capacity rifles or large capacity shotguns that are loaded with blank cartridges and which
1568 contain no projectile within the blank or the bore or chamber; and provided further, that all
1569 possession by members of veteran's organizations shall be limited to official parade duty or
1570 ceremonial occasions.

1571 (f) A person in the military or other service of any state or of the United States, and
1572 police officers and other peace officers of any jurisdiction, may purchase, sell, or otherwise
1573 transfer and possess non-large capacity firearms and ammunition therefor without being duly
1574 licensed or permitted under this chapter while in the performance of their official duty or when
1575 duly authorized to possess them by their employing agency; provided, that the requirements for
1576 sales in section 127B are met. Upon purchase, a person exempted under this subsection shall
1577 submit to the seller full and clear proof of identification, including shield number, serial number,

1578 military or governmental order or authorization, military or other official identification, as
1579 applicable.

1580 (g) A person may furnish a minor under the age of 18 with a firearm for hunting,
1581 instruction, recreation and participation in shooting sports provided that the person holds the
1582 appropriate license or permit, or a duly commissioned officer, noncommissioned officer or
1583 enlisted member of the United States army, navy, marine corps, air force or coast guard, or the
1584 national guard or military service of the commonwealth or reserve components thereof, while in
1585 performance of their duty.

1586 (h) No license or permit under this chapter shall be required for a legal resident of the
1587 commonwealth over the age of 18 to carry or possess:

1588 (i) a firearm known as a detonator and commonly used on vehicles as a signaling and
1589 marking device and only when carried or possessed for such purposes; or

1590 (ii) any device used exclusively for signaling or distress use and required or
1591 recommended by the United States Coast Guard or the Interstate Commerce Commission, or for
1592 the firing of stud cartridges, explosive rivets or similar industrial ammunition.

1593 (i) Nothing in this section shall supersede the firearm registration and serialization
1594 requirements pursuant to sections 122 and 122A.

1595 Section 127A. (a) A nonresident who is at least 18 years of age may possess common
1596 long guns and ammunition therefor pursuant to subsection (b) if the nonresident has a permit or
1597 license issued from their state of residence which has substantially similar requirements to those

1598 of the commonwealth for a long gun permit as determined by the colonel of the state police
1599 pursuant to subsection (f).

1600 (b) A nonresident who is at least 18 years of age may possess common long guns and
1601 ammunition therefor: (i) to hunt during hunting season with a nonresident hunting license or a
1602 hunting license or permit lawfully issued from their state of residence which has substantially
1603 similar requirements to those in section 11 of chapter 131, as determined by the colonel of the
1604 state police pursuant to subsection (f); (ii) while on a firing or shooting range; (iii) while
1605 traveling in or through the commonwealth; provided, that the common long guns shall be
1606 unloaded and secured in a locked container pursuant to sections 126B and 126C; or (iv) while at
1607 a firearm showing or display organized by a regularly existing gun collectors' club or
1608 association.

1609 (c) A nonresident who is at least 18 years of age may possess a pistol or revolver in or
1610 through the commonwealth for the purpose of taking part in a pistol or revolver competition or
1611 attending any meeting or exhibition of any organized group of firearm collectors or for the
1612 purpose of hunting; provided, that such person has a permit or license to carry firearms issued
1613 from their state of residence which has substantially similar requirements to those of the
1614 commonwealth for a license to carry as determined by the colonel of the state police pursuant to
1615 subsection (f); provided, however, that in the case of a person traveling in or through the
1616 commonwealth for the purpose of hunting, they shall also have on their person a hunting or
1617 sporting license issued by the commonwealth or by their destination state.

1618 (d) A nonresident may carry a firearm on their person while in a vehicle lawfully
1619 traveling through the commonwealth; provided, however, that the firearm shall remain in the

1620 vehicle and if the firearm is outside its owner's direct control it shall be stored in the vehicle in
1621 accordance with section 126C.

1622 (e) Police officers and other peace officers of any state, territory or jurisdiction within the
1623 United States duly authorized to possess firearms by the laws thereof shall, for the purposes of
1624 this section, be deemed to have a license to carry a firearm that is not an assault-style firearm
1625 prohibited pursuant to section 128B.

1626 (f) The colonel of the state police shall determine those states with substantially similar
1627 requirements to those of the commonwealth for a license to carry under section 124, long gun
1628 permit under section 124A or hunting license under section 11 of chapter 131, and shall annually
1629 publish a list of those states.

1630 Section 127B. (a) A person with a license to carry under section 124 may sell or transfer
1631 firearms and ammunition and a person with a long gun permit under section 124A may sell or
1632 transfer common long guns and ammunition to: (i) a person with a license to sell issued under
1633 section 125; (ii) a federally licensed firearms dealer; or (iii) a federal, state or local historical
1634 society, museum or institutional collection open to the public, without an annual limit on
1635 transfers.

1636 (b) A person with a license to carry under section 124 may sell or transfer firearms and
1637 ammunition therefor and a person with a long gun permit under section 124A may sell or transfer
1638 common long guns and ammunition to the following; provided, however, that no more than 4
1639 firearm transfers shall occur per calendar year:

1640 (i) a person with a license to carry under section 124;

1641 (ii) an exempted person if permitted under section 127 or 127A; and
1642 (iii) a person with a long gun permit under section 124A; provided, however, that for
1643 transfers and purchases of firearms that are not common long guns, the transferee shall also have
1644 a valid permit to purchase under section 124C.

1645 (c) An heir or devisee upon the death of a firearm owner, a person in the military, police
1646 officers and other peace officers, a veteran's organization and historical society, museums and
1647 institutional collections open to the public may:

1648 (i) sell or transfer firearms and ammunition therefor, to a federally licensed firearms
1649 dealer, or a federal, state or local historical society, museum or institutional collection open to
1650 the public; and

1651 (ii) sell or transfer no more than 4 firearms and ammunition therefor per calendar year to:
1652 (A) a person with a license to carry under section 124; (B) an exempted person under section 127
1653 or 127A; or (C) to a person with a long gun permit under section 124A; provided, however, that
1654 for transfers and purchases of firearms that are not common long guns, the transferee shall have a
1655 valid permit to purchase under section 124C.

1656 (d) A person with a license to carry under section 124 may purchase or transfer firearms
1657 and ammunition therefor from a dealer licensed under section 125 or a person permitted to sell
1658 under this section.

1659 (e) A person with a long gun permit under section 124A who is over 18 years of age may
1660 purchase or transfer common long guns and ammunition therefor from a dealer licensed under
1661 section 125 or a person permitted to sell under this section.

1662 (f) The holder of a permit to purchase under section 124C may purchase or transfer
1663 firearms and ammunition from a dealer licensed under section 125; provided, however that the
1664 permit-holder also holds a license under section 124B.

1665 (g) A bona fide collector of firearms may purchase a firearm that was not previously
1666 owned or registered in the commonwealth from a dealer licensed under section 125 if it is a curio
1667 or relic firearm.

1668 (h) All purchases, sales or transfers of a firearm permitted under this section shall, prior
1669 to or at the point of sale, be conducted through the electronic firearms registration system
1670 pursuant to section 122. The department of criminal justice information services shall require
1671 each person selling or transferring a firearm pursuant to this section to electronically provide,
1672 through the electronic firearms registration system, such information as is determined to be
1673 necessary to verify the identification of the seller and purchaser and ensure that the sale or
1674 transfer complies with this section. Upon submission of the required information, the electronic
1675 firearms registration system shall automatically review such information and display a message
1676 indicating whether the seller may proceed with the sale or transfer and shall provide any further
1677 instructions for the seller as determined to be necessary by the department of criminal justice
1678 information services. The electronic firearms registration system shall keep a record of any sale
1679 or transfer conducted pursuant to this section and shall provide the seller and purchaser with
1680 verification of such sale or transfer.

1681 SECTION 49. Said chapter 140 is hereby further amended by striking out section 128, as
1682 so appearing, and inserting in place thereof the following section:-

1683 Section 128. (a) There shall be a firearm control advisory board, within the executive
1684 office of public safety and security, hereinafter referred to as the board, comprised of 7 members:
1685 the director of the firearms record bureau within the department of criminal justice information
1686 services or designee, who shall serve as chair; the attorney general or designee; 1 member
1687 appointed by the speaker of the house of representatives; 1 member appointed by the president of
1688 the senate; 2 members appointed by the governor, 1 of whom shall be a member of the Gun
1689 Owners Action League, Inc. and 1 of whom shall be a police chief selected from a list of four
1690 chiefs provided by the Massachusetts Chiefs of Police Association Incorporated; and the armorer
1691 of the department of state police or designee.

1692 (b) The board shall advise the executive office of public safety and security on matters
1693 relating to the firearm control provisions of this chapter, including, but not limited to, consulting
1694 with the executive office of public safety and security on the development of the firearm rosters
1695 outlined in section 128A. The board shall also advise the executive office of public safety and
1696 security on training needs and materials for licensing authorities and licensees. The board
1697 members shall serve without compensation; provided, however, that members shall be
1698 reimbursed for any usual and customary expenses incurred in the performance of their duties.
1699 The executive office of public safety and security, in consultation with the board, shall adopt
1700 operating rules and procedures for its organization and activities.

1701 SECTION 50. Said chapter 140 is hereby further amended by striking out section 128A,
1702 as so appearing, and inserting in place thereof the following section:-

1703 Section 128A. (a) The secretary of public safety and security shall, with the advice of the
1704 firearm control advisory board established in section 128, compile and publish a roster of

1705 assault-style firearms banned under section 128B and a roster of firearms approved for sale and
1706 use in the commonwealth using the parameters set forth in section 125C. The secretary shall, not
1707 less than 3 times annually, review, update, and publish the rosters online, and send a copy to all
1708 persons licensed in the commonwealth pursuant to section 125. Licensing authorities shall
1709 provide information on these rosters to all permit holders and licensees upon initial issuance and
1710 every renewal.

1711 (b) The secretary, with the advice of the firearm control advisory board, shall also
1712 compile and publish a roster of firearms solely designed and sold for formal target shooting
1713 competitions or Olympic shooting competitions. The board shall, not less than biannually,
1714 review, update and publish these rosters and make them available for distribution.

1715 (c) The secretary may amend any roster upon their own initiative. A person may petition
1716 the secretary to place a firearm on, or remove a firearm from, the roster, subject to the provisions
1717 of this section. A petition to amend a roster shall be submitted in writing to the secretary, in the
1718 form and manner prescribed by the secretary, and include reasons why the roster should be
1719 amended. Upon receipt of a petition to amend a roster, the secretary shall, within 45 days, either
1720 notify the petitioner that the petition is denied or modify the roster. An addition to the roster shall
1721 be effective on the date it is published online by the board.

1722 SECTION 51. Said chapter 140 is hereby further amended by striking out section 128B,
1723 as so appearing, and inserting in place thereof the following 2 sections:-

1724 Section 128B. (a) No person shall possess, own, offer for sale, sell or otherwise transfer
1725 in the commonwealth or import into the commonwealth an assault-style firearm, or a large
1726 capacity feeding device.

1727 (b) Subsection (a) shall not apply to an assault-style firearm lawfully possessed within the
1728 commonwealth on August 1, 2024 by an owner in possession of a license to carry issued under
1729 section 124 or by a holder of a license to sell under section 125; provided, that the assault-style
1730 firearm shall be registered in accordance with section 122 and serialized in accordance with
1731 section 122A.

1732 (c) Subsection (a) shall not apply to large capacity feeding devices lawfully possessed on
1733 September 13, 1994 only if such possession is: (i) on private property owned or legally
1734 controlled by the person in possession of the large capacity feeding device; (ii) on private
1735 property that is not open to the public with the express permission of the property owner or the
1736 property owner's authorized agent; (iii) while on the premises of a licensed firearms dealer or
1737 gunsmith for the purpose of lawful repair; (iv) at a licensed firing range or sports shooting
1738 competition venue; or (v) while traveling to and from these locations; provided, that the large
1739 capacity feeding device is stored unloaded and secured in a locked container in accordance with
1740 sections 126B and 126C. A person authorized under this subsection to possess a large capacity
1741 feeding device may only transfer the device to an heir or devisee, a person residing outside the
1742 commonwealth, or a licensed dealer.

1743 (d) Whoever violates this section shall be punished, for a first offense, by a fine of not
1744 less than \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more
1745 than 10 years, or by both such fine and imprisonment, and for a second offense, by a fine of not
1746 less than \$5,000 nor more than \$15,000 or by imprisonment for not less than 5 years nor more
1747 than 15 years, or by both such fine and imprisonment.

1748 (e) This section shall not apply to transfer or possession by: (i) a qualified law
1749 enforcement officer or a qualified retired law enforcement officer, as defined in the Law
1750 Enforcement Officers Safety Act of 2004, 18 U.S.C. sections 926B and 926C, respectively, as
1751 amended; (ii) a federal, state or local law enforcement agency; or (iii) a federally licensed
1752 manufacturer solely for sale or transfer in another state or for export.

1753 Section 128C. No person shall knowingly possess, own, sell, offer for sale, transfer,
1754 manufacture, assemble, repair or import any firearm capable of discharging a bullet or shot that
1755 is a covert firearm, a deceptive firearm device or an undetectable firearm all as defined in section
1756 121. Whoever violates this section shall be punished, for a first offense, by a fine of not less than
1757 \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more than 10
1758 years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than
1759 \$5,000 nor more than \$15,000 or by imprisonment for not less than 5 years nor more than 15
1760 years, or by both such fine and imprisonment.

1761 SECTION 52. Said chapter 140 is hereby further amended by striking out section 129, as
1762 so appearing, and inserting in place thereof the following section:-

1763 Section 129. (a) For the purposes of this section, the term “safety device” shall mean a
1764 device designed to prevent the discharge of such firearm by unauthorized users and approved by
1765 the colonel of state police including, but not limited to, mechanical locks or devices designed to
1766 recognize and authorize, or otherwise allow the firearm to be discharged only by its owner or
1767 authorized user, by solenoid use-limitation devices, key activated or combination trigger or
1768 handle locks, radio frequency tags, automated fingerprint identification systems or any other
1769 biometric means, provided, that such device shall be commercially available.

1770 (b) Any firearm sold within the commonwealth without a safety device shall be defective
1771 and the sale of such a firearm shall constitute a breach of warranty under section 2-314 of
1772 chapter 106 and an unfair or deceptive trade act or practice under section 2 of chapter 93A. Any
1773 entity responsible for the manufacture, importation or sale as an inventory item or consumer
1774 good, both as defined in section 9-102 of said chapter 106, of such a firearm that does not
1775 include or incorporate such a safety device shall be individually and jointly liable to any person
1776 who sustains personal injury or property damage resulting from the failure to include or
1777 incorporate such a device. If death results from such personal injury, such entities shall be liable
1778 in an amount including, but not limited to, that provided under chapter 229. Contributory or
1779 comparative negligence shall not be valid defenses to an action brought under this section in
1780 conjunction with said section 2 of said chapter 93A or section 2-314 of said chapter 106 or both;
1781 provided, however, that nothing herein shall prohibit such liable parties from maintaining an
1782 action for indemnification or contribution against each other or against the lawful owner or other
1783 authorized user of said firearm. Any disclaimer, limit or waiver of the liability provided under
1784 this section shall be void.

1785 (c) No entity responsible for the manufacture, importation or sale of such a firearm shall
1786 be liable to any person for injuries caused by the discharge of such firearm that does not include
1787 or incorporate a safety device as required under this section if such injuries were: (i) self-
1788 inflicted, either intentionally or unintentionally, unless such injuries were self-inflicted by a
1789 person less than 18 years of age; (ii) inflicted by the lawful owner or other authorized user of
1790 said firearm; (iii) inflicted by any person in the lawful exercise of self-defense; or (iv) inflicted
1791 upon a co-conspirator in the commission of a crime.

1792 (d) This section shall not apply to any firearm distributed to an officer of any law
1793 enforcement agency or any member of the armed forces of the United States or the organized
1794 militia of the commonwealth; provided, however, that such person shall be authorized to acquire,
1795 possess or carry such a firearm for the lawful performance of his official duties; and provided
1796 further, that any such firearm so distributed shall be distributed solely for use in connection with
1797 such duties.

1798 SECTION 53. Said chapter 140 is hereby amended by striking out section 129B, as so
1799 appearing, and inserting in place thereof the following section:-

1800 Section 129B. (a) Whoever, licensed under section 125, sells or furnishes a firearm or
1801 ammunition to any person without a firearms license or permit shall have their license to sell
1802 revoked and shall not be entitled to apply for such license for 10 years from the date of such
1803 revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by
1804 imprisonment in a state prison for not more than 10 years or house of correction for not more
1805 than 2½ years or by both such fine and imprisonment; provided, however, that a valid permit to
1806 purchase issued under section 124C may permit certain firearm transfers to persons over 18 years
1807 of age.

1808 (b) Any person who, without being licensed under section 125 or exempt as provided
1809 under this chapter, sells, rents, leases or otherwise transfers a firearm, or is engaged in business
1810 as a gunsmith, shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by
1811 imprisonment for not less than 1 year nor more than 10 years, or by both such fine and
1812 imprisonment.

1813 (c) Whoever, not being licensed under section 125 or exempt as provided under this
1814 chapter, sells ammunition within the commonwealth shall be punished by a fine of not less than
1815 \$500 nor more than \$1,000 dollars or by imprisonment for not less than 6 months nor more than
1816 2 years.

1817 (d) A person who uses a license or permit under sections 124 to 124C, inclusive, to
1818 purchase a firearm or ammunition for the unlawful use of another or for resale or transfer to an
1819 unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 or
1820 by imprisonment for not less than 2 ½ years nor more than 10 years in a state prison or by both
1821 such fine and imprisonment. A conviction of this offense shall be immediately reported by the
1822 court to the licensing authority that issued the license or permit. Said licensing authority shall
1823 immediately revoke the license or permit pursuant to section 123C and no license or permit shall
1824 be issued to a person so convicted within 2 years after the date of the revocation of the license or
1825 permit.

1826 (e) Evidence that a person sold or attempted to sell a machine gun shall constitute prima
1827 facie evidence that such person is engaged in the business of selling machine guns.

1828 SECTION 54. Sections 129C and 129D of said chapter 140 are hereby repealed.

1829 SECTION 55. Said chapter 140 is hereby further amended by striking out section 130, as
1830 so appearing, and inserting in place thereof the following section:-

1831 Section 130. A certificate by a ballistics expert of the department of the state police or of
1832 the city of Boston of the result of an examination made by the expert of an item furnished to the
1833 expert by any police officer, signed and sworn to by such expert, shall be prima facie evidence of
1834 the expert's findings as to whether or not the item furnished is a firearm or ammunition;

1835 provided, that in order to qualify as an expert under this section the expert shall have previously
1836 qualified as an expert in a court proceeding.

1837 SECTION 56. Section 130½ of said chapter 140 is hereby repealed.

1838 SECTION 57. Said chapter 140 is hereby amended by striking out section 130B, as so
1839 appearing, and inserting in place thereof the following 4 sections:-

1840 Section 130B. If there is exposed from, maintained in or permitted to remain on any
1841 vehicle or premises any placard, sign or advertisement purporting or designed to announce that
1842 firearms are kept in or upon such vehicle or premises or that an occupant of any vehicle or
1843 premises is a gunsmith, it shall be prima facie evidence that firearms are kept in or upon such
1844 vehicle or premises for sale or that the occupant is engaged in business as a gunsmith.

1845 Section 130C. Whoever falsely makes, alters, forges or counterfeits or procures or assists
1846 another to falsely make, alter, forge or counterfeit any license or permit issued under sections
1847 124 to 124C, inclusive, 124E, 125 or 125B or whoever forges or without authority uses the
1848 signature, facsimile of the signature, or validating signature stamp of the licensing authority or its
1849 designee, or whoever possesses, utters, publishes as true or in any way makes use of a falsely
1850 made, altered, forged or counterfeited license or permit issued under sections 124 to 124C,
1851 inclusive, 124E, 125 or 125B shall be punished by imprisonment in a state prison for not more
1852 than 5 years or in a jail or house of correction for not more than 2 years, or by a fine of not less
1853 than \$500, or both such fine and imprisonment.

1854 Section 130D. Whoever in purchasing, renting or otherwise procuring a firearm or
1855 ammunition in making application for any license or permit issued under section 124 to 124C,
1856 inclusive, in connection therewith, or in requesting that work be done by a gunsmith, gives a

1857 false or fictitious name or address or knowingly offers or gives false information concerning the
1858 date or place of birth, citizenship or residency status, occupation or criminal record, shall for the
1859 first offense be punished by a fine of not less than \$500 nor more than \$1,000, or by
1860 imprisonment for not more than 1 year, or both; and for a second or subsequent offense, shall be
1861 punished by imprisonment for not less than 2½ years nor more than 5 years in the state prison.

1862 Section 130E. Whoever loans money secured by mortgage, deposit or pledge of a firearm
1863 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 1 year,
1864 or by both; provided, however, that nothing herein shall prohibit a bank or other institutional
1865 lender from loaning money secured by a mortgage, deposit, or pledge of a firearm to a
1866 manufacturer, wholesaler, or dealer of firearms. Subsection (h) of section 125A shall not be
1867 applicable to any such mortgage, deposit or pledge unless or until the lender takes possession of
1868 the collateral upon default or the collateral is removed from the premises of the debtor.

1869 SECTION 58. Said chapter 140 is hereby further amended by striking out sections 131 to
1870 131H, inclusive, as so appearing, and inserting in place thereof the following 8 sections:-

1871 Section 131. (a) A petitioner who believes that a person holding a license or permit under
1872 section 124 to 124B, inclusive, may pose a risk of causing bodily injury to self or others may, on
1873 a form furnished by the court and signed under the pains and penalties of perjury, file a petition
1874 in court.

1875 (b) A petition filed pursuant to this section shall:

1876 (i) state any relevant facts supporting the petition;

1877 (ii) identify the reasons why the petitioner believes that the respondent poses a risk of
1878 causing bodily injury to self or others by having in the respondent's control, ownership or
1879 possession a firearm or ammunition;

1880 (iii) identify the number, types and locations of any firearms or ammunition the petitioner
1881 believes to be in the respondent's current control, ownership or possession;

1882 (iv) identify whether there is an abuse prevention order pursuant to chapter 209A, a
1883 harassment prevention order pursuant to chapter 258E or an order similar to an abuse prevention
1884 or harassment prevention order issued by another jurisdiction in effect against the respondent;
1885 and

1886 (v) identify whether there is a pending lawsuit, complaint, petition or other legal action
1887 between the parties to the petition.

1888 (c) No fees for filing or service of process may be charged by a court or any public
1889 agency to a petitioner filing a petition pursuant to this section.

1890 (d) The petitioner's residential address, residential telephone number and workplace
1891 name, address and telephone number, contained within the records of the court related to a
1892 petition shall be confidential and withheld from public inspection, except by order of the court;
1893 provided, however, that the petitioner's residential address and workplace address shall appear on
1894 the court order and shall be accessible to the respondent and the respondent's attorney unless the
1895 petitioner specifically requests, and the court orders, that this information be withheld from the
1896 order. All confidential portions of the records shall be accessible at all reasonable times to the
1897 petitioner and the petitioner's attorney, the licensing authority of the municipality where the
1898 respondent resides and to law enforcement officers, if such access is necessary in the

1899 performance of their official duties. Such confidential portions of the court records shall not be
1900 deemed to be public records under clause Twenty-sixth of section 7 of chapter 4.

1901 (e) The court may order that any information in the petition or case record be impounded
1902 in accordance with court rule.

1903 (f) Upon receipt of a petition under this section and if the petitioner is a family or
1904 household member as defined in section 121, the clerk of the court shall provide to the petitioner
1905 and respondent informational resources about: (i) crisis intervention; (ii) mental health; (iii)
1906 substance use disorders; (iv) counseling services; and (v) the process to apply for a temporary
1907 commitment under section 12 of chapter 123.

1908 Section 131A. (a) The court shall, within 10 days of receipt of a petition pursuant to
1909 section 131, conduct a hearing on the petition. Upon receipt of the petition, the court shall issue a
1910 summons with the date, time and location of the hearing. The court shall direct a law
1911 enforcement officer to personally serve a copy of the petition and the summons on the
1912 respondent or, if personal service by a law enforcement officer is not possible, the court may,
1913 after a hearing, order that service be made by some other identified means reasonably calculated
1914 to reach the respondent. Service shall be made not less than 7 days prior to the hearing.

1915 (b) Notwithstanding subsection (a), the court shall, within 2 days of receipt of a petition
1916 made pursuant to section 131, conduct a hearing on the petition if the respondent files an
1917 affidavit that a firearm or ammunition is required in the performance of the respondent's
1918 employment.

1919 (c)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court finds by a
1920 preponderance of the evidence that the respondent poses a risk of causing bodily injury to self or

1921 others by having in the respondent's control, ownership or possession a firearm or ammunition,
1922 the court shall grant the petition. If the respondent does not appear at the hearing pursuant to
1923 subsection (a) or subsection (b), the court shall grant the petition upon a determination that the
1924 petitioner has demonstrated by a preponderance of the evidence that the respondent poses such a
1925 risk.

1926 (2) Upon granting a petition, the court shall issue an extreme risk protection order and
1927 shall order the respondent to surrender any licenses and permits under section 124 to 124B,
1928 inclusive, and all firearms and ammunition that the respondent then controls, owns or possesses
1929 to the licensing authority of the municipality where the respondent resides. The court shall enter
1930 written findings as to the basis of its order within 24 hours of granting the order. The court may
1931 modify, suspend or terminate its order at any subsequent time upon motion by either party;
1932 provided, however, that due notice shall be given to the respondent and petitioner, and the court
1933 shall hold a hearing on said motion. When the petitioner's address is confidential to the
1934 respondent as provided in subsection (d) of section 131 and the respondent has filed a motion to
1935 modify the court's order, the court shall be responsible for notifying the petitioner. In no event
1936 shall the court disclose any such confidential address.

1937 (3) Not less than 30 calendar days prior to the expiration of an extreme risk protection
1938 order, the court shall notify the petitioner at the best-known address of the scheduled expiration
1939 of the order and that the petitioner may file a petition to renew the order pursuant to section 131.

1940 (d)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court has
1941 probable cause to believe that the respondent has access to a firearm or ammunition, on their
1942 person or in an identified place, and the respondent fails to surrender any firearms or ammunition

1943 within 24 hours of being served pursuant to subsection (e), the court shall issue a warrant
1944 identifying the property, naming or describing the person or place to be searched, and
1945 commanding the appropriate law enforcement agency to search the person of the respondent and
1946 any identified place and seize any firearm or ammunition found to which the respondent would
1947 have access.

1948 (2) The court may issue additional warrants to seize firearms or ammunition if the court
1949 determines there is probable cause to believe that the respondent has retained, acquired or gained
1950 access to a firearm or ammunition while an order under this section remains in effect.

1951 (3) Upon executing a warrant issued pursuant to this subsection or section 131B, the law
1952 enforcement agency conducting the search shall issue a receipt identifying any firearm or
1953 ammunition seized. The law enforcement agency shall provide a copy of the receipt to the
1954 respondent. The licensing authority shall then, within 48 hours of the search, return the warrant
1955 to the court with the original receipt. If the law enforcement agency executing the warrant and
1956 the licensing authority for the municipality where the respondent resides are different, the law
1957 enforcement agency shall remit to the licensing authority a copy of the receipt along with any
1958 seized items, and shall file with its warrant and receipt a certification signed by both the law
1959 enforcement agency and the licensing authority that the seized items were delivered to and
1960 accepted by the licensing authority. The licensing authority shall store the seized items with any
1961 items surrendered in accordance with subsection (f).

1962 (e) Upon issuing an extreme risk protection order the clerk-magistrate of the court shall
1963 transmit 2 certified copies of the order and 1 copy of the petition and summons forthwith to the
1964 licensing authority of the municipality where the respondent resides which, unless otherwise

1965 ordered by the court, shall immediately serve a copy of the order and petition upon the
1966 respondent. If a warrant has been issued pursuant to subsection (d) or pursuant to subsection (b)
1967 of section 131B, the court shall submit 2 certified copies of the warrant, 1 copy of the petition
1968 and summons and 1 copy of the extreme risk protection order to the appropriate law enforcement
1969 agency for execution. Licensing authorities and law enforcement agencies shall establish
1970 adequate procedures to ensure that, when effecting service upon a respondent or executing a
1971 warrant, a law enforcement officer shall, to the extent practicable: (i) fully inform the respondent
1972 of the contents and terms of the order or warrant and the available penalties for any violation of
1973 an order; and (ii) provide the respondent with informational resources, including, but not limited
1974 to, a list of services relating to crisis intervention, mental health, substance use disorders and
1975 counseling, and a list of interpreters, as necessary, located within or near the court's jurisdiction.
1976 The chief justice of the trial court, in consultation with the executive office of public safety and
1977 security, and the department of mental health, shall annually update the informational resource
1978 guides required under this section.

1979 Each extreme risk protection order issued by the court shall contain the following
1980 statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

1981 (f) Upon receipt of service of an extreme risk protection order, the licensing authority of
1982 the municipality where the respondent resides shall immediately suspend the respondent's license
1983 or permit under sections 124 to 124B, inclusive, and shall immediately notify the respondent of
1984 said suspension.

1985 Upon receipt of service of an extreme risk protection order the respondent shall
1986 immediately surrender their license or permit under sections 124 to 124B, inclusive, and all

1987 firearms or ammunition in their control, ownership or possession to the local licensing authority
1988 serving the order, in accordance with section 123D; provided, however, that nothing in this
1989 section or in section 123D shall allow the respondent to: (i) transfer any firearms or ammunition
1990 required to be surrendered, or surrendered, by the respondent to anyone other than a licensed
1991 dealer; or (ii) maintain control, ownership or possession of any firearms or ammunition during
1992 the pendency of any appeal of an extreme risk protection order; provided, however, that while
1993 the surrender of ownership pursuant to an extreme risk protection order shall require the
1994 immediate surrender of any firearms license or permit and all firearms or ammunition in the
1995 respondent's control or possession, it shall not require the surrender of permanent ownership
1996 rights; and provided further that, notwithstanding section 123D, if the licensing authority cannot
1997 reasonably ascertain a lawful owner of firearms or ammunition surrendered pursuant to extreme
1998 risk protection order within 180 days of the expiration or termination of the extreme risk
1999 protection order, the licensing authority may, in its discretion, trade or dispose of surplus,
2000 donated, abandoned or junk firearms or ammunition to properly licensed distributors or firearms
2001 dealers and the proceeds of such sale or transfer shall be remitted or credited to the municipality
2002 in which the licensing authority presides to be used for violence reduction or suicide prevention.
2003 A violation of this subsection shall be punishable by a fine of not more than \$5,000 or by
2004 imprisonment for not more than 2 1/2 years in a house of correction or by both such fine and
2005 imprisonment.

2006 (g) Upon receipt of a license or permit under section 124 to 124B, inclusive, and any
2007 firearms or ammunition surrendered by a respondent pursuant to subsection (f) or seized
2008 pursuant to subsection (d), the licensing authority taking possession of the license or permit and
2009 firearms or ammunition shall issue a receipt identifying any license or permit and all firearms or

2010 ammunition surrendered or seized and shall provide a copy of the receipt to the respondent. The
2011 licensing authority shall, within 48 hours of the surrender or 48 hours of receipt after seizure, file
2012 the receipt with the court.

2013 (h) If a person other than the respondent claims title to any firearms or ammunition
2014 required to be surrendered, or seized pursuant to this section, and is determined by the licensing
2015 authority to be the lawful owner of the firearms or ammunition, the firearms or ammunition shall
2016 be returned to the person; provided, however, that: (i) the firearms or ammunition shall be
2017 removed from the respondent's control, ownership or possession and the lawful owner agrees to
2018 store the firearms or ammunition in a manner such that the respondent does not have access to, or
2019 control of, the firearms or ammunition; and (ii) the firearms or ammunition shall not be
2020 otherwise unlawfully possessed by the owner. A violation of this subsection shall be punishable
2021 by a fine of not more than \$5,000 or by imprisonment for not more than 2 ½ years in a house of
2022 correction or by both such fine and imprisonment.

2023 (i) Upon the expiration or termination of an extreme risk protection order, a licensing
2024 authority holding any firearms or ammunition that have been surrendered or seized pursuant to
2025 this section shall return any license or permit under sections 124 to 124B, inclusive, and all
2026 firearms or ammunition requested by a respondent only after the licensing authority of the
2027 municipality in which the respondent resides confirms that the respondent is suitable for a
2028 firearms license or permit and to control, own or possess firearms or ammunition under federal
2029 and state law.

2030 Not less than 7 days prior to the expiration of an extreme risk protection order, a
2031 licensing authority holding any firearms or ammunition that have been surrendered pursuant to

2032 this section shall notify the petitioner of the expiration of the extreme risk protection order and
2033 the return of a firearms license or permit and the return of any firearms or ammunition to the
2034 respondent.

2035 As soon as reasonably practicable after receiving notice of the termination of an extreme
2036 risk protection order by the court, a licensing authority holding any firearms or ammunition that
2037 have been surrendered pursuant to this section shall notify the petitioner of the termination of the
2038 extreme risk protection order and the return of a firearms license or permit and the return of any
2039 firearms or ammunition to the respondent.

2040 (j) A respondent who has surrendered a license or permit under section 124 to 124B,
2041 inclusive, and all firearms or ammunition to a licensing authority, or who had any firearms or
2042 ammunition seized by a law enforcement agency, and who does not wish to have the firearms
2043 license or permit or firearms or ammunition returned or who is no longer eligible to control, own
2044 or possess firearms or ammunition pursuant to this chapter or federal law, may sell or transfer
2045 title of the firearms or ammunition to a licensed firearms dealer, notwithstanding the limits on
2046 private firearm transfers in section 127B; provided, however, that the respondent shall not take
2047 physical possession of the firearms or ammunition. The licensing authority may transfer
2048 possession of the firearms or ammunition to a licensed dealer upon the dealer providing the
2049 licensing authority with written proof of the sale or transfer of title of the firearms or ammunition
2050 from the respondent to the dealer.

2051 (k) If the licensing authority cannot reasonably ascertain the lawful owner of any firearms
2052 or ammunition surrendered or seized pursuant to this section within 180 days of the expiration or

2053 termination of the order to surrender the firearms or ammunition the licensing authority may
2054 dispose of the firearms or ammunition pursuant to section 123D.

2055 Section 131B. (a)(1) Upon the filing of a petition pursuant to section 131, the court may
2056 issue an emergency extreme risk protection order without notice to the respondent and prior to
2057 the hearing required pursuant to subsection (a) of section 131A if the court finds reasonable
2058 cause to conclude that the respondent poses a risk of causing bodily injury to the respondent's
2059 self or others by being in possession of a license or permit under section 124 to 124B, inclusive,
2060 or having in the respondent's control, ownership or possession a firearm or ammunition.

2061 Upon issuance of an emergency extreme risk protection order pursuant to this section, the
2062 clerk magistrate of the court shall notify the respondent pursuant to subsection (e) of section
2063 131A. An order issued under this subsection shall expire 10 days after its issuance unless a
2064 hearing is scheduled pursuant to subsection (a) or (b) of said section 131A or at the conclusion of
2065 a hearing held pursuant to said subsection (a) or (b) of said section 131A unless a permanent
2066 order is issued by the court pursuant to paragraph (2) of subsection (c) of said section 131A.

2067 (2) Upon receipt of service of an emergency extreme risk protection order pursuant to this
2068 section, the respondent shall immediately surrender the respondent's license or permit under
2069 section 124 to 124B, inclusive, and all firearms or ammunition to the licensing authority serving
2070 the order as provided in subsection (f) of section 131A.

2071 (b)(1) If the court has probable cause to believe that the respondent has access to a
2072 firearm or ammunition, on their person or in an identified place, and the respondent fails to
2073 surrender any firearms or ammunition within 24 hours of being served pursuant to subsection (e)
2074 of section 131A, the court shall issue a warrant identifying the property, naming or describing

2075 the person or place to be searched, and commanding the appropriate law enforcement agency to
2076 search the person of the respondent and any identified place and seize any firearm or ammunition
2077 found to which the respondent would have access.

2078 (2) The law enforcement agency shall conduct its search and manage any seized property
2079 pursuant to paragraph (3) of subsection (d) of section 131A.

2080 (c) When the court is closed for business, the court may grant an emergency extreme risk
2081 protection order if the court finds reasonable cause to conclude that the respondent poses a risk
2082 of causing bodily injury to the respondent's self or others by being in possession of a firearms
2083 license or by having in the respondent's control, ownership or possession of a firearm or
2084 ammunition, and shall issue a warrant pursuant to subsection (b) upon probable cause that the
2085 respondent has access to a firearm or ammunition, on their person or in an identified place, and
2086 the respondent fails to surrender any firearms or ammunition within 24 hours of being served
2087 pursuant to subsection (e) of section 131A. In the discretion of the justice, such relief may be
2088 granted and communicated by telephone to the licensing authority of the municipality where the
2089 respondent resides, which shall record such order or warrant on a form of order or warrant
2090 promulgated for such use by the chief justice of the trial court and shall deliver a copy of such
2091 order or warrant on the next court business day to the clerk-magistrate of the court. If relief has
2092 been granted without the filing of a petition pursuant to section 131, the petitioner shall appear in
2093 court on the next available court business day to file a petition. An order or warrant issued under
2094 this subsection shall expire at the conclusion of the next court business day after issuance unless
2095 a petitioner has filed a petition with the court pursuant to section 131 and the court has issued an
2096 emergency extreme risk protection order pursuant to subsection (a).

2097 Section 131C. On the same day that an extreme risk protection order is issued pursuant to
2098 section 131A or section 131B, the clerk magistrate of the court shall forward a copy of the order
2099 to: (i) the licensing authority; (ii) the commissioner of probation; (iii) the department of criminal
2100 justice information services, which shall transmit the report, pursuant to paragraph (h) of section
2101 167A of chapter 6, to the attorney general of the United States to be included in the National
2102 Instant Criminal Background Check System; and (iv) any other federal or state computer-based
2103 systems used by law enforcement or others to identify prohibited purchasers of firearms. Upon
2104 the expiration or termination of an extreme risk protection order issued pursuant to section 131A
2105 or section 131B, the clerk magistrate of the court shall notify: (i) the licensing authority; (ii) the
2106 commissioner of probation; (iii) the department of criminal justice information services, which
2107 shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney
2108 general of the United States to be included in the National Instant Criminal Background Check
2109 System; and (iv) any other federal or state computer-based systems used by law enforcement or
2110 others to identify prohibited purchasers of firearms that the order has been terminated or has
2111 expired.

2112 Section 131E. A person who files a petition for an extreme risk protection order, knowing
2113 the information in the petition to be materially false or with an intent to harass the respondent,
2114 shall be punished by a fine of not less than \$2,500 and not more than \$5,000 or by imprisonment
2115 for not more than 2½ years in the house of correction or by both such fine and imprisonment.

2116 Section 131F. The chief justice of the trial court, in consultation with the chief justice of
2117 the district court and the chief justice of the Boston municipal court, shall promulgate rules,
2118 regulations and policies and shall develop and prepare instructions, brochures, petitions, forms
2119 and other material required for the administration and enforcement of sections 131 to 131H,

2120 inclusive, which shall be in such form and language to permit a petitioner to prepare and file a
2121 petition pro se.

2122 Section 131G. (a) Sections 131 to 131H, inclusive, shall not affect the ability of a law
2123 enforcement officer to remove firearms or ammunition from any person or conduct any search
2124 and seizure for firearms or ammunition pursuant to other lawful authority.

2125 (b) Nothing in sections 131 to 131H, inclusive, shall supersede or limit a licensing
2126 authority's ability to suspend or revoke a license or permit under section 124 to 124B, inclusive,
2127 that the licensing authority has issued pursuant to other lawful authority.

2128 (c) Sections 131 to 131H, inclusive, shall not impose a duty to file a petition on any of the
2129 following, nor shall the same be held criminally or civilly liable for failure to petition: (i) any
2130 family or household member; (ii) a health care provider; provided, that for the purposes of this
2131 section "health care provider" shall include a licensed physician, licensed physician assistant,
2132 registered nurse, licensed practical nurse, certified nurse practitioner, certified clinical nurse
2133 specialist, certified psychiatric clinical nurse specialist, licensed psychiatrist, licensed
2134 psychologist, licensed mental health counselor, licensed marriage and family therapist, licensed
2135 alcohol and drug counselor, licensed independent clinical social worker, or licensed certified
2136 social worker; (iii) a principal or assistant principal of an elementary school or secondary school,
2137 or administrator of a college or university; or (iv) an employer.

2138 (d) Notwithstanding any general or special law or rule or regulation to the contrary, a
2139 petitioner that is a health care provider may disclose protected health information of the
2140 respondent; provided, however, that such disclosure shall be limited to only that information
2141 which is necessary to file a petition or renewal of an extreme risk protection order. Any records

2142 or documents relating to the diagnosis, prognosis, treatment, or other health information of the
2143 respondent requested by the court shall be impounded in accordance with court rule.

2144 (e) The supreme judicial court and the appeals court shall have concurrent jurisdiction to
2145 review any proceedings held, determinations made, and orders or judgments entered in the court
2146 pursuant to section 131A or section 131B. The supreme judicial court or the appeals court,
2147 subject to section 13 of chapter 211A may by rule vary the procedure authorized or required for
2148 such review upon a finding that the review by the court will thereby be made more simple,
2149 speedy and effective.

2150 Section 131H. The court shall annually, not later than December 31, issue a report on the
2151 use of extreme risk protective orders. The report shall be submitted to the executive office of
2152 public safety and security, the chairs of the joint committee on public safety and homeland
2153 security, the chairs of the joint committee on the judiciary, the chairs of the joint committee on
2154 mental health, substance use and recovery, and clerks of the senate and the house of
2155 representatives. The report shall include, but shall not be limited to, the following information:

2156 (1) the number of extreme risk protective order petitions filed;

2157 (2) the number of extreme risk protective order petitions that lead to a respondent's
2158 surrender pursuant to section 131A;

2159 (3) the number of extreme risk protective order petitions that are heard but not granted;

2160 (4) the number of emergency extreme risk protective order petitions filed;

2161 (5) the number of emergency extreme risk protective order petitions that lead to a
2162 respondent's surrender pursuant to 131B;

2163 (6) the number of emergency extreme risk protective order petitions that are heard but not
2164 granted;

2165 (7) the number of warrants issued pursuant to subsection (d) of section 131A or section
2166 131B;

2167 (8) the number of warrants issued pursuant to subsection (d) of section 131A or section
2168 131B that lead to the seizure of firearms or ammunition;

2169 (9) a breakdown of the types of items surrendered, including but not limited to, firearms
2170 license or permit, firearm, or ammunition;

2171 (10) a breakdown of the types of items seized, including, but not limited to, firearm or
2172 ammunition;

2173 (11) the number of extreme risk protective order or emergency extreme risk protective
2174 order petitions filed that are deemed to be fraudulent;

2175 (12) the number of instances in which a petition was found to be fraudulent and the
2176 penalties received in each instance;

2177 (13) the race and ethnicity of the petitioner and respondent;

2178 (14) the gender and gender identity of the petitioner and respondent;

2179 (15) the data on the duration of extreme risk protection orders; and

2180 (16) the number of instances in which an order has been terminated or otherwise
2181 modified prior to its original expiration date.

2182 SECTION 59. Sections 131I, 131J, 131K, 131L, 131M, 131N and 131O of said chapter
2183 140 are hereby repealed.

2184 SECTION 60. Section 131P of said chapter 140 is hereby repealed.

2185 SECTION 61. Sections 131Q, 131R, 131S, 131T, 131U, 131V, 131W, 131X and 131Y
2186 of said chapter 140 are hereby repealed.

2187 SECTION 62. Chapter 209A of the General Laws is hereby amended by striking out
2188 sections 3B and 3C, as appearing in the 2022 Official Edition, and inserting in place thereof the
2189 following 2 sections:-

2190 Section 3B. (a) Upon issuance of a temporary or emergency order under section 4 or 5,
2191 the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of
2192 abuse, order the immediate suspension and surrender of any license or permit issued pursuant to
2193 sections 124 to 124C, inclusive, 124E or 125 of chapter 140 that the defendant may hold and
2194 order the defendant to surrender all firearms and ammunition that they then control, own or
2195 possess in accordance with this chapter and said chapter 140 and any firearms license or permit
2196 that the defendant may hold shall be surrendered to the appropriate law enforcement officials in
2197 accordance with this chapter and chapter 140 and, said law enforcement official may store,
2198 transfer or otherwise dispose of any such firearms and ammunition in accordance section 123D
2199 of chapter 140; provided, however, that nothing herein shall authorize the transfer of any
2200 firearms or ammunition surrendered by the defendant to anyone other than a licensed dealer.
2201 Notice of such suspension and ordered surrender shall be appended to the copy of abuse
2202 prevention order served on the defendant pursuant to section 7. Law enforcement officials, upon
2203 the service of said orders, shall immediately take possession of all firearms and ammunition and

2204 any firearms license or permit in the control, ownership, or possession of the defendant. Any
2205 violation of such orders shall be punishable by a fine of not more than \$5,000, or by
2206 imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and
2207 imprisonment.

2208 (b) Any defendant aggrieved by an order of surrender or suspension as described in the
2209 first sentence of subsection (a) may petition the court which issued such suspension or surrender
2210 order for a review of such action and such petition shall be heard no later than 10 court business
2211 days after the receipt of the notice of the petition by the court. If said firearms license or permit
2212 has been suspended upon the issuance of an order issued pursuant to section 4 or 5, said petition
2213 may be heard contemporaneously with the hearing specified in the second sentence of the second
2214 paragraph of section 4. Upon the filing of an affidavit by the defendant that a firearm or
2215 ammunition is required in the performance of the defendant's employment, and upon a request
2216 for an expedited hearing, the court shall order said hearing within 2 business days of receipt of
2217 such affidavit and request but only on the issue of surrender and suspension pursuant to this
2218 section.

2219 Section 3C. Upon the continuation or modification of an order issued pursuant to section
2220 4 or upon petition for review as described in section 3B, the court shall also order or continue to
2221 order the immediate suspension and surrender of a defendant's firearms license or permit and the
2222 surrender of all firearms and ammunition that such defendant then controls, owns or possesses if
2223 the court makes a determination that the return of such firearms license or permit or firearms or
2224 ammunition presents a likelihood of abuse to the plaintiff. A suspension and surrender order
2225 issued pursuant to this section shall continue so long as the restraining order to which it relates is
2226 in effect; and, any law enforcement official to whom such firearm or ammunition is surrendered

2227 may store, transfer or otherwise dispose of any such firearm or ammunition in accordance with
2228 section 123D of chapter 140; provided, however, that nothing herein shall authorize the transfer
2229 of any firearms or ammunition surrendered by the defendant to anyone other than a licensed
2230 dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by
2231 imprisonment for not more than 2 ½ years in a house of correction or by both such fine and
2232 imprisonment.

2233 SECTION 63. Chapter 258E of the General Laws is hereby amended by inserting after
2234 section 4 the following 3 sections:-

2235 Section 4A. Upon issuance of a temporary or emergency order under section 5 or 6, the
2236 court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of
2237 harassment, order the immediate suspension and surrender of any firearms license or permit that
2238 the defendant may hold and order the defendant to surrender all firearms and ammunition that
2239 the defendant then controls, owns or possesses in accordance with this chapter, and chapter 140
2240 and any firearms license or permit that the defendant may hold shall be surrendered to the
2241 appropriate law enforcement officials in accordance with this chapter, and said chapter 140 and
2242 said law enforcement official may store, transfer or otherwise dispose of any such firearms or
2243 ammunition in accordance with section 123D of said chapter 140; provided, however, that
2244 nothing herein shall authorize the transfer of any firearms and ammunition surrendered by the
2245 defendant to anyone other than a licensed dealer. Notice of such suspension and ordered
2246 surrender shall be appended to the copy of the harassment prevention order served on the
2247 defendant pursuant to section 9. Law enforcement officials, upon the service of said orders, shall
2248 immediately take possession of all firearms and ammunition, and any firearms license or permit
2249 in the control, ownership, or possession of said defendant. Any violation of such orders shall be

2250 punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years in
2251 a house of correction, or by both such fine and imprisonment.

2252 Any defendant aggrieved by an order of surrender or suspension as described in the first
2253 sentence of this section may petition the court which issued such suspension or surrender order
2254 for a review of such action and such petition shall be heard no later than 10 court business days
2255 after the receipt of the notice of the petition by the court. If said firearms license or permit has
2256 been suspended upon the issuance of an order issued pursuant to section 5 or 6, said petition may
2257 be heard contemporaneously with the hearing specified in the second sentence of the second
2258 paragraph of section 5. Upon the filing of an affidavit by the defendant that a firearm or
2259 ammunition is required in the performance of the defendant's employment, and upon a request
2260 for an expedited hearing, the court shall order said hearing within 2 business days of receipt of
2261 such affidavit and request but only on the issue of surrender and suspension pursuant to this
2262 section.

2263 Section 4B. Upon the continuation or modification of an order issued pursuant to section
2264 5 or upon petition for review, as described in section 4A, the court shall also order or continue to
2265 order the immediate suspension and surrender of a defendant's firearms license or permit and the
2266 surrender of all firearms and ammunition that such defendant then controls, owns or possesses if
2267 the court makes a determination that the return of such firearms license or permit or firearms and
2268 ammunition presents a likelihood of harassment to the plaintiff. A suspension and surrender
2269 order issued pursuant to this section shall continue so long as the harassment prevention order to
2270 which it relates is in effect; and, any law enforcement official to whom such firearm or
2271 ammunition is surrendered may store, transfer or otherwise dispose of any such firearm or
2272 ammunition in accordance with section 123D of chapter 140; provided, however, that nothing

2273 herein shall authorize the transfer of any firearms or ammunition surrendered by the defendant to
2274 anyone other than a licensed dealer. Any violation of such order shall be punishable by a fine of
2275 not more than \$5,000 or by imprisonment for not more than 2 ½ years in a house of correction or
2276 by both such fine and imprisonment.

2277 Section 4C. Upon an order for suspension or surrender issued pursuant to sections 4A or
2278 4B, the court shall transmit a report containing the defendant's name and identifying information
2279 and a statement describing the defendant's alleged conduct and relationship to the plaintiff to the
2280 department of criminal justice information services. Upon the expiration, cancellation or
2281 revocation of the order, the court shall transmit a report containing the defendant's name and
2282 identifying information, a statement describing the defendant's alleged conduct and relationship
2283 to the plaintiff and an explanation that the order is no longer current or valid, to the department
2284 of criminal justice information services. Any report made pursuant to this section shall be
2285 transmitted by the department of criminal justice information services, pursuant to paragraph (h)
2286 of section 167A of chapter 6, to the attorney general of the United States to be included in the
2287 National Instant Criminal Background Check System.

2288 SECTION 64. Section 15E of chapter 265 of the General Laws, as so appearing, is
2289 hereby amended by striking out, in lines 2 and 3, the words “, large capacity weapon, rifle,
2290 shotgun, sawed-off shotgun or machine gun”.

2291 SECTION 65. Section 15F of said chapter 265, as so appearing, is hereby amended by
2292 striking out, in lines 2 and 3, the words “, large capacity weapon, rifle, shotgun, sawed-off
2293 shotgun or machine gun”.

2294 SECTION 66. Section 17 of said chapter 265, as so appearing, is hereby amended by
2295 striking out, in lines 10 and 11, the words “shotgun, rifle, machine gun or assault weapon” and
2296 inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

2297 SECTION 67. Said section 17 of said chapter 265, as so appearing, is hereby further
2298 amended by striking out, in lines 13 and 14, the words “, shotgun, rifle, machine gun or assault
2299 weapon”.

2300 SECTION 68. Section 18 of said chapter 265, as so appearing, is hereby amended by
2301 striking out, in lines 5 and 6 and line 30, each time they appear, the words “shotgun, rifle,
2302 machine gun or assault weapon” and inserting in place thereof, in each instance, the following
2303 words:- as defined in section 121 of chapter 140,.

2304 SECTION 69. Section 18A of said chapter 265, as so appearing, is hereby amended by
2305 striking out, in line 8, the words “shotgun, rifle or assault weapon” and inserting in place thereof
2306 the following words:- as defined in section 121 of chapter 140.

2307 SECTION 70. Section 18B of said chapter 265, as so appearing, is hereby amended by
2308 striking out, in line 4, the words “rifle or shotgun” and inserting in place thereof the following
2309 words:- as defined in section 121 of chapter 140,.

2310 SECTION 71. Said section 18B of said chapter 265, as so appearing, is hereby further
2311 amended by striking out, in lines 6 and 7, lines 18 and 19 and line 21, each time they appear, the
2312 words “, rifle or shotgun”.

2313 SECTION 72. Said section 18B of said chapter 265, as so appearing, is hereby further
2314 amended by striking out, in lines 7 and 22, each time it appears, the word “weapon” and inserting
2315 in place thereof, in each instance, the following word:- firearm.

2316 SECTION 73. Said section 18B of said chapter 265, as so appearing, is hereby further
2317 amended by striking out, in lines 14 and 15, the words “, rifle or shotgun including, but not
2318 limited to, a large capacity weapon or machine gun”.

2319 SECTION 74. Section 21A of said chapter 265, as so appearing, is hereby amended by
2320 striking out, in lines 14 and 15, the words “rifle, shotgun, machine gun or assault weapon” and
2321 inserting in place thereof the following words:- as defined in section 121 of chapter 140.

2322 SECTION 75. Section 22 of said chapter 265, as so appearing, is hereby amended by
2323 striking out, in lines 28 and 29, the words “rifle, shotgun, machine gun or assault weapon” and
2324 inserting in place thereof the following words:- as defined in section 121 of chapter 140.

2325 SECTION 76. Section 24 of said chapter 265, as so appearing, is hereby amended by
2326 striking out, in line 8, the words “rifle, shotgun, machine gun or assault weapon” and inserting in
2327 place thereof the following words:- as defined in section 121 of chapter 140,.

2328 SECTION 77. Section 24B of said chapter 265, as so appearing, is hereby amended by
2329 striking out, in line 9, the words “rifle, shotgun, machine gun or assault weapon” and inserting in
2330 place thereof the following words:- as defined in section 121 of chapter 140,.

2331 SECTION 78. Section 26 of said chapter 265, as so appearing, is hereby amended by
2332 striking out, in line 16, the words “rifle, shotgun, machine gun or assault weapon” and inserting
2333 in place thereof the following words:- as defined in section 121 of chapter 140,.

2334 SECTION 79. Said section 26 of said chapter 265, as so appearing, is hereby further
2335 amended by striking out, in lines 22 and 23, the words “, rifle, shotgun, machine gun or assault
2336 weapon”.

2337 SECTION 80. Section 39 of said chapter 265, as so appearing, is hereby amended by
2338 striking out, in line 22, the words “rifle, shotgun, machine gun or assault weapon” and inserting
2339 in place thereof the following words:- as defined in section 121 of chapter 140,.

2340 SECTION 81. Section 58 of said chapter 265, as so appearing, is hereby amended by
2341 striking out, in line 2, the word “weapon” and inserting in place thereof the following word:-
2342 firearm.

2343 SECTION 82. Section 14 of chapter 266 of the General Laws, as so appearing, is hereby
2344 amended by striking out, in line 10, the words “rifle, shotgun, machine gun or assault weapon”
2345 and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

2346 SECTION 83. Section 17 of said chapter 266, as so appearing, is hereby amended by
2347 striking out, in line 7, the words “rifle, shotgun, machine gun or assault weapon” and inserting in
2348 place thereof the following words:- as defined in section 121 of chapter 140,.

2349 SECTION 84. Section 18 of said chapter 266, as so appearing, is hereby amended by
2350 striking out, in lines 8 and 9, the words “rifle, shotgun, machine gun or assault weapon” and
2351 inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

2352 SECTION 85. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby
2353 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

2354 (a)(1) Whoever, except as provided or exempted by general or special law, knowingly
2355 has in their possession, or knowingly has under their control in a vehicle, a firearm that is not a
2356 common long gun, loaded or unloaded, as defined in section 121 of chapter 140, without either:

2357 (i) being present in or on their residence or place of business;

2358 (ii) having in effect a license to carry firearms under sections 124 or 124B of said chapter
2359 140;

2360 (iii) having satisfied the conditions for exemption under sections 127 or 127A of said
2361 chapter 140; or

2362 (iv) having complied as to possession of an air rifle or BB gun with the requirements
2363 imposed by section 12B shall be punished by imprisonment in the state prison for not less than 2
2364 ½ years nor more than 5 years, or for not less than 18 months nor more than 2 ½ years in a jail or
2365 house of correction.

2366 (2) Whoever, except as provided or exempted by statute, knowingly has in their
2367 possession, or knowingly has under control in a vehicle, a common long gun, loaded or
2368 unloaded, as defined in section 121 of chapter 140, without either:

2369 (i) being present in or on their residence or place of business; or

2370 (ii) having in effect a license to carry or permit authorizing the carry of common long
2371 guns under sections 124 to 124B, inclusive, of said chapter 140; or

2372 (iii) having satisfied the conditions for exemption under sections 127 or 127A of said
2373 chapter 140; or

2374 (iv) having complied as to possession of an air rifle or BB gun with the requirements
2375 imposed by section 12B, shall be punished by imprisonment in the state prison for not less than 2
2376 ½ years nor more than 5 years, or for not less than 18 months nor more than 2 ½ years in a jail or
2377 house of correction.

2378 (3) The sentence imposed on such person pursuant to paragraphs (1) and (2) shall not be
2379 reduced to less than 18 months, nor suspended, nor shall any person convicted under this
2380 subsection be eligible for probation, parole, work release, or furlough or receive any deduction
2381 from their sentence for good conduct until they shall have served 18 months of such sentence;
2382 provided, however, that the commissioner of correction may on the recommendation of the
2383 warden, superintendent, or other person in charge of a correctional institution, grant to an
2384 offender committed under this subsection a temporary release in the custody of an officer of such
2385 institution for the following purposes only: to attend the funeral of a relative; to visit a critically
2386 ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution.
2387 Prosecutions commenced under this subsection shall neither be continued without a finding nor
2388 placed on file.

2389 (4) No person having in effect a license to carry firearms issued under section 124 or
2390 section 124B of chapter 140 shall be deemed to be in violation of this section.

2391 (5) Section 87 of chapter 276 shall not apply to any person 18 years of age or older,
2392 charged with a violation of this subsection, or to any child between ages 14 and 18 so charged, if
2393 the court is of the opinion that the interests of the public require that the person should be tried as
2394 an adult for such offense instead of being dealt with as a child.

2395 (6) This subsection shall not affect the licensing requirements of section 124A of chapter
2396 140 which require every person not otherwise duly licensed or exempted to have been issued a
2397 long gun permit in order to possess a firearm in their residence or place of business.

2398 SECTION 86. Said section 10 of said chapter 269, as so appearing, is hereby further
2399 amended by striking out, in lines 97 to 99, inclusive, the words “as defined in section one
2400 hundred and twenty-one of chapter one hundred and forty, without permission under section one
2401 hundred and thirty-one of said chapter one hundred and forty” and inserting in place thereof the
2402 following words:- automatic part, bump stock or trigger modifier, as defined in section 121 of
2403 chapter 140, without permission under section 124 of said chapter 140.

2404 SECTION 87. Said section 10 of said chapter 269, as so appearing, is hereby further
2405 amended by striking out, in line 134, the words “, any rifle or shotgun” and inserting in place
2406 thereof the following words:- any firearm.

2407 SECTION 88. Said section 10 of said chapter 269, as so appearing, is hereby further
2408 amended by striking out, in lines 135 to 137, inclusive, the words “the requirement of a serial
2409 number, as provided in section one hundred and twenty-nine B of chapter one hundred and forty”
2410 and inserting in place thereof the following words:- the registration requirement, as provided in
2411 section 122 of chapter 140.

2412 SECTION 89. Said section 10 of said chapter 269, as so appearing, is hereby further
2413 amended by striking out, in lines 140 and 141, line 150 and lines 151 and 152, each time they
2414 appear, the words “, rifle, shotgun”.

2415 SECTION 90. Said section 10 of said chapter 269, as so appearing, is hereby further
2416 amended by striking out, in line 142, the figure “129C” and inserting in place thereof the
2417 following figure:- 127B.

2418 SECTION 91. Said section 10 of said chapter 269, as so appearing, is hereby further
2419 amended by striking out, in line 153, the words “129C of chapter 140 or section 131” and
2420 inserting in place thereof the following figure:- 124.

2421 SECTION 92. Said section 10 of said section 269, as so appearing, is hereby further
2422 amended by striking out subsections (i) and (j) and inserting in place thereof the following 2
2423 subsections:-

2424 (i) Whoever knowingly fails to deliver or surrender a revoked or suspended firearms
2425 license or permit issued under sections 124 to 125B, inclusive, of chapter 140, or a firearm, as
2426 provided in section 123D of chapter 140, unless an appeal is pending, shall be punished by
2427 imprisonment in a jail or house of correction for not more than 2 ½ years or by a fine of not more
2428 than \$1,000.

2429 (j)(1) Whoever possesses a firearm, loaded or unloaded, as defined in section 121 of
2430 chapter 140, in a prohibited area, and knows or reasonably should know such location is a
2431 prohibited area, shall be punished by a fine of not more than \$1,000 or by imprisonment in the
2432 house of correction for not more than 2 ½ years, or both such fine and imprisonment.

2433 (2) For the purposes of this subsection, “prohibited area” shall mean any of the following
2434 locations:

2435 (i) a place owned, leased, or under the control of state, county or municipal government
2436 and used for the purpose of government administration, judicial or court administrative
2437 proceedings, or correctional services, including in or upon any part of the buildings, grounds, or
2438 parking areas thereof; provided, however, that any state-owned public land available to the
2439 public for hunting shall not be a "prohibited area";

2440 (ii) a location in use at the time of possession as a polling place or for the storage or
2441 tabulation of ballots;

2442 (iii) an elementary school, secondary school, college or university including transport
2443 used for students of said institution, including in or upon any part of the buildings, grounds, or
2444 parking areas thereof; and

2445 (iv) any private, residential dwelling of another, not held open to the public, unless the
2446 person in possession of the firearm: (A) has a valid firearms license or permit issued under
2447 sections 124 to 124B, inclusive, of chapter 140; and (B) has been given express authorization to
2448 carry a firearm in said dwelling by the property owner or lessee, or an agent thereof; provided,
2449 that express authorization shall be signified by unambiguous written or verbal authorization or
2450 by the posting of clear and conspicuous signage on the building or the premises by the property
2451 owner or lessee, or an agent thereof, indicating that possession of a firearm is authorized.

2452 (3) A law enforcement officer may arrest without a warrant and detain a person found in
2453 violation of this subsection.

2454 (4) It shall be a defense to a violation of this subsection that a person with a license or
2455 permit issued under sections 124 to 124B, inclusive, of chapter 140 securely stored the licensed

2456 firearm in a vehicle while within the prohibited area in accordance with sections 126B and 126C
2457 of chapter 140.

2458 (5) This subsection shall not apply to an active law enforcement officer, as defined in
2459 section 1 of chapter 6E, while in performance of their official duties or to a security guard
2460 employed at the prohibited area while at the location of their employment and during the course
2461 of their employment. Clauses (i) to (iii), inclusive, of paragraph 2 shall not apply to an active law
2462 enforcement officer, acting in their personal capacity, while carrying a firearm provided by the
2463 officer's employing law enforcement agency. Clause (iii) of paragraph 2 shall not apply to
2464 firearms authorized by a secondary school, college or university, with prior written notice to the
2465 department of state police, to be possessed or stored on school grounds. Nothing in this
2466 paragraph shall limit the authority of any municipality, county or department, division,
2467 commission, board, agency or court of the commonwealth to adopt policies further restricting the
2468 possession of firearms in areas under their control.

2469 (6) Nothing in this subsection shall limit the enforceability of a provision in any private rental or
2470 lease agreement restricting a party's or a tenant's possession or use of firearms on the property or
2471 in the residential dwelling, the enforceability of a restrictive covenant restricting the possession
2472 or use of firearms on the property or in the residential dwelling, or the authority of any private
2473 entity, including but not limited to, any homeowners' association, community association,
2474 planned community association, condominium association, cooperative, or any other
2475 nongovernmental entity with covenants, bylaws or administrative rules, regulations or provisions
2476 governing the use of private property, to restrict the possession or use of firearms on private
2477 property.

2478 SECTION 93. Said section 10 of said chapter 269, as so appearing, is hereby further
2479 amended by striking out, in line 196 and 226, each time it appears, the word “weapon” and
2480 inserting in place thereof, in each instance, the following word:- firearm.

2481 SECTION 94. Said section 10 of said chapter 269, as so appearing, is hereby further
2482 amended by striking out, in lines 197 and 198, the words “131 or 131F” and inserting in place
2483 thereof the following words:- 124 or 124B.

2484 SECTION 95. Said section 10 of said chapter 269, as so appearing, is hereby further
2485 amended by striking out, in line 201 and lines 204 and 205, each time they appear, the words
2486 “firearm identification card” and inserting in place thereof, in each instance, the following
2487 words:- long gun permit.

2488 SECTION 96. Said section 10 of said chapter 269, as so appearing, is hereby further
2489 amended by striking out, in line 202, the figure “129B” and inserting in place thereof the
2490 following figure:- 124A.

2491 SECTION 97. Said section 10 of said chapter 269, as so appearing, is hereby further
2492 amended by striking out, in line 240, the words “, loaded sawed off shotgun or loaded machine
2493 gun”.

2494 SECTION 98. Subsection (o) of said section 10 of said chapter 269, as so appearing, is
2495 hereby amended by striking out the second paragraph and inserting in place thereof the following
2496 paragraph:-

2497 For purposes of this section, the terms “ammunition” and “firearm” shall have the same
2498 meaning as those terms are defined in section 121 of chapter 140.

2499 SECTION 99. Section 10E of said chapter 269 of the General Laws, as so appearing, is
2500 hereby amended by striking out, in lines 4 and 5, the words “rifles, shotguns, machines guns, or
2501 any combination thereof,” and inserting in place thereof the following words:- as defined in
2502 section 121 of chapter 140.

2503 SECTION 100. Said section 10E of said chapter 269, as so appearing, is hereby further
2504 amended by striking out, in lines 5 and 6, the words “, rifles, shotguns, machines guns, or any
2505 combination thereof”.

2506 SECTION 101. Section 10F of said chapter 269, as so appearing, is hereby amended by
2507 striking out, in lines 3 and 31, each time it appears, the word “weapon” and inserting in place
2508 thereof, in each instance, the following word:- firearm.

2509 SECTION 102. Section 10H of said chapter 269, as so appearing, is hereby amended by
2510 striking out, in lines 2 and 3, the words “131 or 131F of chapter 140, carries on his person, or has
2511 under his control” and inserting in place thereof the following words:- 124 or 124B of chapter
2512 140, carries on their person or has under their control.

2513 SECTION 103. Said section 10H of said chapter 269, as so appearing, is hereby further
2514 amended by inserting after the figure “140,” in line 4, the following words:- while with a
2515 percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

2516 SECTION 104. Said chapter 269 is hereby amended by striking out section 10I, as so
2517 appearing, and inserting in place thereof the following section:-

2518 Section 10I. (a) Whoever transports a firearm, as defined in section 121 of chapter 140,
2519 into the commonwealth to use for the commission of criminal activity shall be punished by
2520 imprisonment for not less than 5 years nor more than 10 years.

2521 (b) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or
2522 transfer possession of the firearm to a prohibited person, as defined in section 123 of chapter
2523 140, shall be punished by imprisonment in state prison for not less than 10 years nor more than
2524 20 years.

2525 (c) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or
2526 transfer the firearm to a prohibited person, as defined in section 123 of chapter 140, and if the
2527 firearm is subsequently used to cause the death of another, shall be punished by imprisonment in
2528 state prison for not less than 20 years.

2529 SECTION 105. Section 10J of said chapter 269, as so appearing, is hereby amended by
2530 striking out, in line 9, the figure “131” and inserting in place therefor the following figure:- 123.

2531 SECTION 106. Section 10K of said chapter 269, as so appearing, is hereby amended by
2532 striking out, in lines 9 and 10, lines 15 and 16, and line 19, each time they appear, the words “,
2533 rifle, shotgun, machine gun or ammunition” and inserting in place thereof, in each instance, the
2534 following words:- or ammunition, as defined in section 121 of chapter 140.

2535 SECTION 107. Section 11 of said chapter 269, as so appearing, is hereby amended by
2536 striking out, in line 4, the words “one hundred and thirty-one of chapter one hundred and forty”
2537 and inserting in place thereof the following words:- 124 of chapter 140.

2538 SECTION 108. Said chapter 269 is hereby amended by striking out section 11A, as so
2539 appearing, and inserting in place thereof the following section:-

2540 Section 11A. For the purposes of sections 11A to 11C, inclusive, the terms “firearm”,
2541 “serial number” and “untraceable firearm” shall have the same definitions as section 121 of
2542 chapter 140.

2543 SECTION 109. Section 11B of said chapter 269, as so appearing, is hereby amended by
2544 striking out the first sentence and inserting in place thereof the following sentence:- Whoever,
2545 while in the commission or attempted commission of a felony, has in their possession or under
2546 their control an untraceable firearm, shall be punished by imprisonment for not less than 2 ½
2547 years.

2548 SECTION 110. Section 11C of said chapter 269, as so appearing, is hereby amended by
2549 striking out the first sentence and inserting in place thereof the following sentence:-

2550 Whoever, by themselves or with another, creates an untraceable firearm, or knowingly
2551 participates in the creation of an untraceable firearm or receives a firearm with knowledge that it
2552 is untraceable, shall be punished by imprisonment for not less than 2½ years.

2553 SECTION 111. Said section 11C of said chapter 269, as so appearing, is hereby further
2554 amended by striking out, in lines 9 to 11, inclusive, the words “the serial number or identification
2555 number of which has been removed, defaced, altered, obliterated or mutilated in any manner”
2556 and inserting in place thereof the following words:- that is untraceable.

2557 SECTION 112. Said section 11C of said chapter 269, as so appearing, is hereby further
2558 amended by striking out, in lines 14 to 15, inclusive, the words “whatever that such number had

2559 been removed, defaced, altered, obliterated or mutilated” and inserting in place thereof the
2560 following words:- that the firearm was untraceable.

2561 SECTION 113. Said section 11C of said chapter 269, as so appearing, is hereby further
2562 amended by striking out, in lines 19 and 20, the words “or other article”.

2563 SECTION 114. Section 11E of said chapter 269, as so appearing, is hereby repealed.

2564 SECTION 115. Section 12D of said chapter 269, as so appearing, is hereby amended by
2565 striking out, in line 30, the word “weapon” and inserting in place thereof the following word:-
2566 firearm.

2567 SECTION 116. Said chapter 269, as so appearing, is hereby amended by striking out
2568 section 12E and inserting in place thereof the following section:-

2569 Section 12E. (a) Whoever discharges a firearm as defined in section 121 of chapter 140
2570 within 500 feet of a dwelling or other building in use, except with the consent of the owner or
2571 legal occupant thereof, shall be punished by a fine of not less than \$50 nor more than \$100 or by
2572 imprisonment in a jail or house of correction for not more than 3 months, or both such fine and
2573 imprisonment.

2574 (b) This section shall not apply to any of the following: (i) the lawful defense of life and
2575 property; (ii) any law enforcement officer acting in the discharge of their duties; or (iii) the
2576 discharge of blank cartridges for theatrical, athletic, ceremonial, firing squad or other purposes in
2577 accordance with section 39 of chapter 148.

2578 (c) This section shall not apply to a dwelling or building on the same property as: (i)
2579 persons using underground or indoor target or test ranges with the consent of the owner or legal

2580 occupant thereof; (ii) persons using outdoor skeet, trap, target or test ranges with the consent of
2581 the owner or legal occupant of the land on which the range is established; or (iii) persons using
2582 shooting galleries, licensed and defined in section 56A of chapter 140. Nothing in this section
2583 shall exempt any persons from compliance with noise control laws, regulations, ordinances or
2584 by-laws in effect or from the prohibitions of section 58 of chapter 131.

2585 SECTION 117. Section 12F of said chapter 269, as so appearing, is hereby amended by
2586 striking out, in lines 11 and 12, the words “as defined in section 131J of chapter 140, any rifle,
2587 shotgun”.

2588 SECTION 118. Said chapter 269, as so appearing, is hereby amended by inserting after
2589 section 12F the following section:-

2590 Section 12G. Whoever discharges a firearm, as defined in section 121 of chapter 140,
2591 with reckless disregard to striking a dwelling or other building in use, and as a result does strike
2592 such dwelling or building, shall be punished by imprisonment in the house of correction for not
2593 more than 2 ½ years, or in state prison for not more than 5 years. This section shall not apply to
2594 persons acting in the lawful defense of life or property or any law enforcement officer acting in
2595 the discharge of their duties. This section shall not apply for dwellings or buildings within the
2596 property of: (a) persons using underground or indoor target or test ranges with the consent of the
2597 owner or legal occupant thereof; (b) persons using outdoor skeet, trap, target or test ranges with
2598 the consent of the owner or legal occupant of the land on which the range is established; or (c)
2599 persons using shooting galleries, licensed and defined in section 56A of chapter 140. Nothing in
2600 this section shall exempt any persons from compliance with noise control laws, ordinances or by-
2601 laws in effect or from the prohibitions of section 58 of chapter 131.

2602 SECTION 119. Section 14 of said chapter 269, as so appearing, is hereby amended by
2603 striking out, in line 15, the words “rifle, shotgun, machine gun or assault weapon,”.

2604 SECTION 120. Section 58A of chapter 276 of the General Laws, as so appearing, is
2605 hereby amended by striking out, in line 21, the words “weapon or machine gun” and inserting in
2606 place thereof the following word:- firearm.

2607 SECTION 121. Said section 58A of said chapter 276, as so appearing, is hereby further
2608 amended by striking out, in line 28, the word “weapon” and inserting in place thereof the
2609 following word:- firearm.

2610 SECTION 122. Section 100A of said chapter 276, as so appearing, is hereby amended by
2611 striking out, in line 26, the figure “131H” and inserting in place thereof the following figure:-
2612 130E.

2613 SECTION 123. Section 100J of said chapter 276, as so appearing, is hereby amended by
2614 striking out, in line 17, the figure “131Q” and inserting in place thereof the following figure:-
2615 130E.

2616 SECTION 124. Section 25 of chapter 279 of the General Laws, as so appearing, is hereby
2617 amended by striking out, in lines 17 and 18, the words “, shotgun, rifle, machine gun, or assault
2618 weapon,” and inserting in place thereof the following words:- as defined in section 121 of
2619 chapter 140.

2620 SECTION 125. (a) As used in this section, the following words shall, unless the context
2621 clearly requires otherwise, have the following meanings:

2622 “Microstamp”, a microscopic array of characters identifying the make, model, or serial
2623 number of a firearm, etched or otherwise imprinted in 2 or more places on the interior surface or
2624 the internal working parts of the firearm, that are transferred by imprinting on each cartridge case
2625 when the firearm is fired.

2626 “Personalized firearm”, a firearm manufactured with incorporated design technology or
2627 converted with such technology so that it: (i) allows the firearm to be fired only by an authorized
2628 user; or (ii) prevents any of the safety characteristics of the firearm from being readily
2629 deactivated.

2630 (b) There is hereby established, pursuant to section 2A of chapter 4 of the General Laws,
2631 a special legislative commission to study and investigate emerging firearm technology.

2632 (c) The special legislative commission shall consist of 13 members: the chairs of the joint
2633 committee on the judiciary or their designees, who shall serve as co-chairs; the secretary of
2634 public safety and security or a designee; the colonel of the state police or a designee; 2 members
2635 appointed by the speaker of the house of representatives; 2 members appointed by the president
2636 of the senate; 1 member appointed by the minority leader of the house of representatives; 1
2637 member appointed by the minority leader of the senate; 2 members appointed by the governor, 1
2638 of whom shall be an expert in emerging firearm technologies; and 1 member appointed by the
2639 National Shooting Sports Foundation, Inc.

2640 (d) The special legislative commission shall investigate and study the status, feasibility,
2641 and utility of emerging firearm technologies, including, but not limited to, personalized firearm
2642 technology and microstamp technology. The study shall include: (i) a review of existing and
2643 developing personalized firearm and microstamp technologies; (ii) an investigation of the

2644 accuracy, effectiveness and utility of personalized firearm and microstamp technologies; (iii) an
2645 evaluation of the commercial availability of personalized firearm and microstamp technologies,
2646 both in the production of new firearms and modification of existing firearms; (iv) an
2647 investigation of the cost and impacts associated with requiring the use of personalized firearm or
2648 microstamp technologies in the commonwealth; and (v) evaluation of the feasibility and utility of
2649 a personalized firearm technology tax incentive program.

2650 (e) The special legislative commission shall submit a report of its study and
2651 recommendations, together with any legislative recommendations, to the clerks of the house of
2652 representatives and the senate on or before September 30, 2024.

2653 SECTION 126. (a) There is hereby established, pursuant to section 2A of chapter 4 of the
2654 General Laws, a special legislative commission to study the commonwealth's funding structure
2655 for violence prevention services.

2656 (b) The special legislative commission shall consist of 17 members: the chairs of the joint
2657 committee on public safety and homeland security or their designees, who shall serve as co-
2658 chairs; the secretary of public safety and security or a designee; the secretary of health and
2659 human services or a designee; 2 members appointed by the speaker of the house of
2660 representatives, 1 of whom shall be from an organization that has received a grant through the
2661 Safe and Successful Youth Initiative; 2 members appointed by the president of the senate, 1 of
2662 whom shall be from an organization that has received a grant through the Safe and Successful
2663 Youth Initiative; 1 member appointed by the minority leader of the house of representatives; 1
2664 member appointed by the minority leader of the senate; 1 member appointed by the governor
2665 who shall be from an organization involved in early child education or development; 2 members

2666 appointed by the Massachusetts Black and Latino Legislative Caucus; 1 member appointed by
2667 the Massachusetts Asian-American Legislative Caucus; 1 member appointed by the caucus of
2668 women legislators; 1 member appointed by the Massachusetts Association of School
2669 Superintendents, Inc.; 1 member appointed by the Massachusetts Health and Hospital
2670 Association, Inc.

2671 (c) The special legislative commission shall: (i) examine and evaluate the existing
2672 government funding structure for violence prevention services in the commonwealth, including
2673 funding sources, initiatives and programs utilized, specific services funded, the impact of
2674 services provided to survivors of victims of homicide in fostering healing and breaking the
2675 generational cycle of violence, communities served, how funding decisions are made, and how
2676 service providers and programs are chosen; and (ii) recommend changes to promote efficiency,
2677 transparency, accessibility and utility with the ultimate goal of enhancing violence prevention
2678 services and minimizing the disproportionate impact of violence in historically impacted
2679 communities.

2680 (d) The special legislative commission shall submit a report of its study and
2681 recommendations, together with any proposed legislation, to the clerks of the house of
2682 representatives and the senate on or before September 30, 2024.

2683 SECTION 127. A valid license to carry a firearm issued under sections 131 or 131F of
2684 chapter 140 of the General Laws, a valid firearm identification card under section 129B of said
2685 chapter 140 or a valid license to sell under section 122 of said chapter 140, shall remain valid
2686 until the expiration of said license and shall entitle the holder to possess the firearms authorized
2687 by the license at the time it was last issued or renewed; provided, however, that upon the

2688 expiration of a firearm identification card under said section 129B of said chapter 140, said
2689 firearm identification card may be renewed for a long gun permit under section 124A of said
2690 chapter 140, as inserted by section 45.

2691 SECTION 128. Not later than 6 months after the effective date of this act, the executive
2692 office of public safety and security shall notify all individuals with licenses to carry and firearm
2693 identification cards valid on the effective date of this act of the requirements under sections 122
2694 of chapter 140 of the General Laws, as inserted by section 39, and section 122A of said chapter
2695 140, as inserted by section 40.

2696 SECTION 129. (a) Not later than 6 months after the effective date of this act, the
2697 executive office of public safety and security shall promulgate regulations required by section
2698 122 of chapter 140 of the General Laws, as inserted by section 39.

2699 (b) Not later than 6 months after the effective date of this act, the executive office of
2700 public safety and security, in consultation with the department of criminal justice information
2701 services, shall promulgate regulations required by section 122A of said chapter 140, as inserted
2702 by section 40.

2703 SECTION 130. Not later than 1 year after the effective date of this act, the department of
2704 criminal justice information services shall establish the online dashboard and publish firearm
2705 data required by subsection (c) of section 122B of chapter 140 of the General Laws, as inserted
2706 by section 41.

2707 SECTION 131. The department of criminal justice information services shall establish
2708 the electronic firearms registration system established pursuant to section 122 of chapter 140 of
2709 the General Laws, as inserted by section 39, not later than 1 year after the effective date of this

2710 act; provided, that all firearms shall be registered in accordance with this act and not later than 1
2711 year after said electronic firearms registration system is completed and publicly available.

2712 SECTION 132. The department of criminal justice information services shall establish
2713 the serial number request system established pursuant to section 122A of chapter 140 of the
2714 General Laws, as inserted by section 40, not later than 1 year after the effective date of this act;
2715 provided, that all firearms shall be serialized in accordance with this act and not later than 1 year
2716 after said serial number request system is completed and publicly available.

2717 SECTION 133. Sections 126 and 126A of chapter 140 of the General Laws, as inserted
2718 by section 47, shall take effect 1 year after the effective date of this act; provided, however, that
2719 until such time, new applicants for a license or permit under sections 124 to 124B, inclusive,
2720 124E, 125, 125B of said chapter 140, as inserted by section 45, shall complete a basic firearms
2721 safety certificate that satisfies the requirements of section 131P of chapter 140 of the General
2722 Laws as in effect on October 1, 2023.

2723 SECTION 134. Section 60 shall take effect 1 year after the effective date of this act.

2724 SECTION 135. Subsection (i) of section 125A of chapter 140 of the General Laws, as
2725 inserted by section 46, shall take effect 18 months after the effective date of this act. Until such
2726 time, the licensing authority shall enter, 1 time per calendar year, during regular business hours,
2727 the business premises of any licensee, and make inquiries and inspect the licensee's records,
2728 inventory, policies and procedures for the purpose of enforcing said section 125A of said chapter
2729 140. Licensees found to be in violation of said section 125A of said chapter 140 shall be subject
2730 to the suspension or revocation of their license to sell. Nothing herein shall prohibit law

2731 enforcement from conducting such inspections pursuant to a valid search warrant issued by a
2732 court of competent jurisdiction.