

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michael S. Day*

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

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

An Act modernizing firearm laws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>10/4/2023</i>

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

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By Representative Day of Stoneham, a petition (subject to Joint Rule 12) of Michael S. Day for legislation to further regulate firearms. The Judiciary.

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**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. Section 7 of chapter 4 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out subclause (j) of the twenty-sixth clause 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 said chapter 6 of the General Laws, as so appearing, is  
10 hereby amended by striking out, in line 3, the figure “122” and inserting in place thereof the  
11 following 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 to 7, inclusive, the words:- “and unmonitored contact with  
14 firearms, shotguns or rifles” and inserting in place thereof the following words:- contact with  
15 firearms, as 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 “dealers licensed pursuant to  
18 section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of said”  
19 and inserting in place thereof the following words:- persons licensed pursuant to section 125 of.

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

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

27 SECTION 7. Section 10B of chapter 66 of the General Laws, as so appearing, is hereby  
28 amended by striking out, in lines 7 to 8, inclusive, the words “, rifles, shotguns, machine guns”.

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

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

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

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

46 SECTION 12. Section 35 of chapter 123 of the General Laws, as so appearing, is hereby  
47 amended by striking out, in lines 114 to 115, inclusive, the words “firearm identification card  
48 pursuant to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F”  
49 and inserting in place thereof the following words:- firearms license or permit pursuant to  
50 sections 124 to 125B, inclusive,.

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

54 SECTION 14. Section 36C of said chapter 123 of the General Laws, as so appearing, is  
55 hereby amended by striking out, in lines 8 to 9, inclusive, the words “firearm identification card

56 pursuant to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F”  
57 and inserting in place thereof the following words:- firearms license or permit pursuant to  
58 sections 124 to 125B, inclusive,.

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

63 SECTION 16. Chapter 131 of the General Laws, as so appearing, is hereby amended by  
64 striking out section 62 and inserting in place thereof the following section:-

65 A person, with a percentage, by weight, of alcohol in their blood of eight one-hundredths  
66 or greater, or while under the influence of intoxicating liquor, or of marihuana, narcotic drugs,  
67 depressant or stimulant substances, all as defined in section 1 of chapter 94C, or who  
68 intentionally smells or inhales the fumes of any substance having the property of releasing toxic  
69 vapors in violation of section 18 of chapter 270, shall not hunt or carry a firearm, bow and arrow  
70 or other weapon while engaged in hunting or target shooting. A violation of this section shall be  
71 punished by a fine of not more than \$5,000 or by imprisonment in the house of correction for not  
72 more than 2 ½ years, or by both such fine and imprisonment.

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

75 SECTION 18. Section 121 of chapter 140 of the General Laws, as appearing in the 2022  
76 Official Edition, is hereby further amended by striking out, in line 1, the figure “131Y” and  
77 inserting in place thereof the following figure:- 131H.

78 SECTION 19. Said section 121 of said chapter 140, as so appearing, is hereby further  
79 amended by striking out, in lines 4 to 7, inclusive, the definition of “ammunition” and inserting  
80 in place thereof the following 3 definitions:-

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

83 “Ammunition”, cartridges or cartridge cases, primers (igniter), bullets or propellant  
84 powder designed for use in any firearm. The term “ammunition” shall also mean tear gas  
85 cartridges.

86 “Antique firearm”, any firearm or replica thereof manufactured in or prior to the year  
87 1899 if such firearm: (i) is not designed or redesigned for using rimfire or conventional centerfire  
88 fixed ammunition; or (ii) uses rimfire or conventional centerfire fixed ammunition that is no  
89 longer manufactured in the United States and which is not readily available in the ordinary  
90 channels of commercial trade. This includes any muzzle loading rifle, shotgun or pistol that is  
91 designed to use black powder, or a black powder substitute, and that cannot use fixed  
92 ammunition, unless the firearm: (i) incorporates a firearm frame or receiver; (ii) is converted  
93 into a muzzle loading weapon; or (iii) is a muzzle loading weapon that can be readily converted  
94 to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

95 SECTION 20. Said section 121 of said chapter 140, as so appearing, is hereby further  
96 amended by striking out, in lines 8 to 36, inclusive, the definition of “assault weapon” and  
97 inserting in place thereof the following 5 definitions:-

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

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

106 (b) A semiautomatic pistol with the capacity to accept a detachable feeding device and  
107 includes any of the following features: (i) the capacity to accept a feeding device that attaches to  
108 the pistol outside of the pistol grip; (ii) a second handgrip or a protruding grip that can be held by  
109 the non-trigger hand; (iii) a threaded barrel capable of accepting a flash suppressor, forward  
110 handgrip or silencer; (iv) a shroud that encircles either all or part of the barrel designed to shield  
111 the bearer's hand from heat, excluding a slide that encloses the barrel.

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

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

116 (e) All of the following rifles:

117 (i) All AK types, including the following: AK, AK47, AK47S, AK-74, AKM, AKS,  
118 ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA85, SA93, Vector  
119 Arms AK-47, VEPR, WASR-10 and WUM, IZHMASH Saiga AK, MAADI AK47 and ARM,

120 Norinco 56S, 56S2, 84S and 86S, Poly Technologies AK47 and AKS and SKS with a detachable  
121 feeding device;

122 (ii) All AR types, including the following: AR-10, AR-15, Alexander Arms Overmatch  
123 Plus 16, Armalite M15 22LR Carbine, Armalite M15-T, Barrett REC7, Beretta AR-70, Black  
124 Rain Ordnance Recon Scout, Bushmaster ACR, Bushmaster Carbon 15, Bushmaster MOE  
125 series, Bushmaster XM15, Chiappa Firearms MFour rifles, Colt Match Target rifles, CORE Rifle  
126 Systems CORE15 rifles, Daniel Defense M4A1 rifles, Devil Dog Arms 15 Series rifles,  
127 Diamondback DB15 rifles, DoubleStar AR rifles, DPMS Tactical rifles, DSA Inc. ZM-4  
128 Carbine, Heckler & Koch MR556, High Standard HSA-15 rifles, Jesse James Nomad AR-15  
129 rifles, Knight's Armament SR-15, Lancer L15 rifles, MGI Hydra Series rifles, Mossberg MMR  
130 Tactical rifles, Noreen Firearms BN 36 rifle, Olympic Arms, POF USA P415, Precision Firearms  
131 AR rifles, Remington R-15 rifles, Rhino Arms AR rifles, Rock River Arms LAR-15, Sig Sauer  
132 SIG516, M400 and SIG716 rifles, Smith & Wesson M&P15 rifles, Stag Arms AR rifles, Sturm,  
133 Ruger & Co. SR556 and AR-556 rifles, Uselton Arms Air-Lite M-4 rifles, Windham Weaponry  
134 AR rifles, WMD Guns Big Beast, Yankee Hill Machine Company, Inc. YHM-15 rifles;

135 (iii) Barrett M107A1 and M82A1;

136 (iv) Beretta CX4 Storm;

137 (v) Calico Liberty Series;

138 (vi) CETME Sporter;

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



- 140 (viii) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter,  
141 PS90, SCAR and FS2000;
- 142 (ix) Feather Industries AT-9;
- 143 (x) Galil Model AR and Model ARM;
- 144 (xi) Hi-Point Carbine;
- 145 (xii) HK-91, HK-93, HK-94, HK-PSG-1 and HK USC;
- 146 (xiii) IWI TAVOR and Galil ACE rifle;
- 147 (xiv) Kel-Tec Sub 2000, SU-16, RDB and RFB;
- 148 (xv) SIG AMT, SIG PE-57, SIG556, Sig Sauer SG 550, Sig Sauer SG 551 and SIG  
149 MCX;
- 150 (xvi) Springfield Armory SAR-48;
- 151 (xvii) Steyr AUG;
- 152 (xviii) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF;
- 153 (xix) All Thompson rifles, including the following: M1SB, T1100D, T150D, T1B,  
154 T1B100D, T1B50D, T1BSB, T1-C, T1D, T1SB, T5, T5100D, TM1, TM1C;
- 155 (xx) UMAREX UZI rifle;
- 156 (xxi) UZI Mini Carbine, UZI Model A Carbine and UZI Model B Carbine;
- 157 (xxii) Valmet M62S, M71S and M78;

158 (xxiii) Vector Arms UZI Type;

159 (xxiv) Weaver Arms Nighthawk; and

160 (xxv) Wilkinson Arms Linda Carbine.

161 (f) All of the following pistols:

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

165 (ii) All AR types, including the following: American Spirit AR-15 pistol, Bushmaster  
166 Carbon 15 pistol, Chiappa Firearms M4 Pistol GEN II, CORE Rifle Systems CORE15 Roscoe  
167 pistol, Daniel Defense MK18 pistol, DoubleStar Corporation AR pistol, DPMS AR-15 pistol,  
168 Jesse James Nomad AR-15 pistol, Olympic Arms AR-15 pistol, Osprey Armament MK-18  
169 pistol, POF USA AR pistols, Rock River Arms LAR 15 pistol and Uselton Arms Air-Lite M-4  
170 pistol;

171 (iii) Calico pistols;

172 (iv) CZ Scorpion and CZ BREN

173 (v) DSA SA58 PKP FAL pistol;

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

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

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

- 177 (ix) IWI Galil Ace pistol, UZI PRO pistol
- 178 (x) Kel-Tec PLR 16 pistol;
- 179 (xi) All MAC types, including the following: MAC-10, MAC-11, Masterpiece Arms  
180 MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol and MPA Mini Tactical Pistol,  
181 Military Armament Corp. Ingram M-11 and Velocity Arms VMAC;
- 182 (xii) Sig Sauer P556 pistol;
- 183 (xiii) Sites Spectre;
- 184 (xiv) All Thompson types, including the following: TA510D and TA5;
- 185 (xv) All UZI types, including Micro-UZI.
- 186 (g) All of the following shotguns:
- 187 (i) DERYA Anakon MC-1980, Anakon SD12;
- 188 (ii) Doruk Lethal shotguns;
- 189 (iii) Franchi LAW-12 and SPAS 12;
- 190 (iv) All IZHMAASH Saiga 12 types, including the following: Saiga 12, Saiga 12S, Saiga  
191 12S EXP-01, Saiga 12K, Saiga 12K-030, Saiga 12K-040 Taktika;
- 192 (v) Street Sweeper; and
- 193 (vi) Striker 12.
- 194 (h) Any shotgun with a revolving cylinder.

195 (i) All belt-fed semiautomatic firearms, including TNW M2HB and FN M249S.

196 (j) a copy or duplicate of any firearm meeting the standards of or enumerated in clauses  
197 (d) to (i), inclusive; provided, that for the purposes of this subsection, “copy or duplicate” shall  
198 mean a firearm (A) that was manufactured or subsequently configured with an ability to accept a  
199 detachable magazine, and: (B)(i) its internal functional components are substantially similar in  
200 construction and configuration to those of an enumerated weapon in clauses (d) to (i), inclusive);  
201 or (ii) it has a receiver that is the same as or interchangeable with the receiver of an enumerated  
202 weapon in said clauses.

203 (k) The term shall not include: (i) any firearm that is operated by manual bolt, pump,  
204 lever or slide action; (ii) any firearm that has been rendered permanently inoperable or otherwise  
205 rendered permanently unable to be designated as a semiautomatic assault-style firearm; (iii) any  
206 firearm that is an antique or relic, theatrical prop or other firearm that is not capable of firing a  
207 projectile and which is not intended for use as a functional firearm and cannot be readily  
208 modified through a combination of available parts into an assault-style firearm; or (iv) any  
209 semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or  
210 detachable feeding device.

211 “Assemble”, to fit together a firearm’s component parts, provided, however, this  
212 definition shall not include firearm reassembly, repair or the fitting of special barrels, stocks or  
213 trigger mechanisms to firearms.

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

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

219 “Bona fide collector of firearms”, an individual licensed pursuant to 18 U.S.C. section  
220 923(b).

221 SECTION 21. Said section 121 of said chapter 140, as so appearing, is hereby further  
222 amended by inserting after the definition of “bump stock”, in lines 37 to 40, inclusive, the  
223 following definition:-

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

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

229 SECTION 23. Said section 121 of said chapter 140, as so appearing, is hereby further  
230 amended by inserting after the definition of “court”, in lines 43 to 46, inclusive, the following 2  
231 definitions:-

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

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

241 SECTION 24. Said section 121 of said chapter 140, as so appearing, is hereby further  
242 amended by striking out, in lines 47 to 51, inclusive, the definition of “deceptive weapon device”  
243 and inserting in place thereof the following definition:-

244 “Deceptive firearm device”, any device that is intended to convey the presence of a  
245 firearm that is used in the commission of a violent crime, as defined in this section, and which  
246 presents an objective threat of immediate death or serious bodily harm to a person of reasonable  
247 and average sensibility.

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

253 SECTION 26. Said section 121 of said chapter 140, as so appearing, is hereby further  
254 amended by striking out, in lines 67 to 83, inclusive, the definitions of “firearm”, “gunsmith” and  
255 “imitation firearm” and inserting in place thereof the following 5 definitions:-

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

258 “Firearm”, a weapon, including but not limited to a stun gun, pistol, revolver, rifle,  
259 shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun,  
260 loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet;  
261 the frame or receiver of any such firearm; provided, however, that the term firearm shall not  
262 include any antique firearm or permanently inoperable firearm.

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

270 "Gunsmith" any person who engages in the business of repairing, altering, cleaning,  
271 polishing, engraving, blueing or performing any mechanical operation on any firearm.

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

274 SECTION 27. Said section 121 of said chapter 140, as so appearing, is hereby further  
275 amended by striking out, in lines 84 to 93, inclusive, the definition of “large capacity feeding  
276 device” and inserting in place thereof the following definition:-

277 “Large capacity feeding device”, (i) a fixed or detachable magazine, belt, drum, feed strip  
278 or similar device that has a capacity of, or that can be readily converted to accept, more than 10  
279 rounds of ammunition or more than 5 shotgun shells; or (ii) any part or combination of parts

280 from which a device can be assembled if those parts are in the possession or control of the same  
281 person. The term shall not include: (i) any device that has been permanently altered so that it  
282 cannot accommodate more than 10 rounds of ammunition or more than 5 shotgun shells; (ii) an  
283 attached tubular device designed to accept, and capable of operating only with, .22 caliber  
284 rimfire ammunition or (iii) a tubular magazine that is contained in a lever-action firearm or on a  
285 pump shotgun.

286 SECTION 28. Said section 121 of said chapter 140, as so appearing, is hereby further  
287 amended by striking out, in lines 94 to 113, inclusive, the definition of "large capacity weapon"  
288 and inserting in place thereof the following definition:-

289 "Large capacity firearm", any firearm: (i) that is semiautomatic with a fixed large  
290 capacity feeding device; (ii) that is semiautomatic and capable of accepting, or readily  
291 modifiable to accept, any detachable large capacity feeding device when both are in the same  
292 person's possession or under their control in a vehicle; (iii) that employs a rotating cylinder  
293 capable of accepting more than 10 rounds of ammunition or more than 5 shotgun shells; or (iv)  
294 that is an assault-style firearm. The term "large capacity firearm" shall be a secondary  
295 designation and shall apply to a weapon in addition to its primary designation as a firearm, and  
296 shall not include: (i) any firearm that operates by manual bolt, pump, lever or slide action; (ii)  
297 any firearm that is a single-shot weapon; (iii) any firearm that has been modified so as to render  
298 it permanently inoperable or otherwise rendered permanently unable to be designated a large  
299 capacity firearm; or (iv) any firearm that is an antique or relic, theatrical prop or other weapon  
300 that is not capable of firing a projectile and which is not intended for use as a functional weapon  
301 and cannot be readily modified through a combination of available parts into an operable large  
302 capacity firearm.



303 SECTION 29. Said section 121 of said chapter 140, as so appearing, is hereby further  
304 amended by inserting, in line 119, after the word “them” the following words:- ; provided,  
305 however, that should no such chief or officer exist within a city or town, the colonel of the state  
306 police or their designee shall act as the city or town’s licensing authority.

307 SECTION 30. Said section 121 of said chapter 140, as so appearing, is hereby further  
308 amended by striking out, in lines 120 to 124, inclusive, the definition of “machine gun” and  
309 inserting in place thereof the following 4 definitions:-

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

314 “Manufacture”, to fabricate, make, form, produce, or construct, by manual labor or by  
315 machinery, a firearm; provided, however, that the term shall not include firearm reassembly,  
316 firearm repair or the making or fitting of special barrels, stocks, or trigger mechanisms to  
317 firearms.

318 “Nonresident”, a person who is temporarily in Massachusetts but legally resides in  
319 another state or territory of the United States.

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

322 SECTION 31. Said section 121 of said chapter 140, as so appearing, is hereby further  
323 amended by striking out, in lines 125, to 126, inclusive, the definition of “petition” and inserting  
324 in place thereof the following definition:-

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

327 SECTION 32. Said section 121 of said chapter 140, as so appearing, is hereby further  
328 amended by striking out, in lines 127 to 129, inclusive, the definition of “petitioner” and  
329 inserting in place thereof the following 2 definitions:-

330 “Petitioner”, as used in sections 131 to 131H, inclusive: the (i) family or household  
331 member; (ii) law enforcement agency or officer, as defined in section 1 of chapter 6E; (iii)  
332 licensed physician, registered nurse, licensed practical nurse, certified nurse practitioner,  
333 certified clinical nurse specialist, certified psychiatric clinical nurse specialist, licensed  
334 psychiatrist, licensed psychologist, licensed mental health counselor, licensed marriage and  
335 family therapist, licensed independent clinical social worker, or licensed certified social worker  
336 who has provided health care services to the respondent within the preceding 6 months; (iv) a  
337 principal or assistant principal of an elementary school or secondary school, or administrator of a  
338 college or university where the respondent is enrolled; or (v) employer of the respondent; that is  
339 filing the petition.

340 “Privately made firearm”, a firearm manufactured or assembled by an individual who is  
341 not a licensed manufacturer; provided, however, that the term does not include firearms  
342 manufactured or assembled by persons licensed under section 125 in the course of their business  
343 activities.

344 SECTION 33. Said section 121 of said chapter 140, as so appearing, is hereby further  
345 amended by striking out, in lines 134 to 135, inclusive, the definition of “respondent” and  
346 inserting in place thereof the following 2 definitions:-

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

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

356 SECTION 34. Said section 121 of said chapter 140, as so appearing, is hereby further  
357 amended by striking out, in lines 136, 139, 140 and 147, each time it appears, the word  
358 “weapon” and inserting in place thereof, in each instance, the following word:- firearm.

359 SECTION 35. Said section 121 of said chapter 140, as so appearing, is hereby further  
360 amended by inserting after the definition of “sawed-off shotgun”, in lines 139 to 142, inclusive,  
361 the following 2 definition:-

362 “Secured in a locked container”, at a minimum the container must be capable of being  
363 unlocked only by means of a key, combination or similar means, including in an unoccupied  
364 motor vehicle, a locked trunk not accessible from the passenger compartment, a locked console  
365 or locked glovebox.

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

368 SECTION 36. Said section 121 of said chapter 140, as so appearing, is hereby further  
369 amended by inserting after the definition of “semiautomatic”, in lines 143 to 146, inclusive, the  
370 following 2 definitions:-

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

376 “Serialization”, the process of conspicuously engraving, casting or otherwise  
377 permanently stamping a unique serial number on a firearm frame or receiver; provided, that the  
378 serial number must be placed in a manner not susceptible of being readily obliterated, altered or  
379 removed and must be engraved, cast or stamped to a minimum depth of .003 inches and in a print  
380 size no smaller than 1/16 inch; provided further, that serialization of firearms, frames and  
381 receivers made from non-metallic materials must be accomplished by using a metal plate  
382 permanently embedded in the material of the frame or receiver.

383 SECTION 37. Said section 121 of said chapter 140, as so appearing, is hereby further  
384 amended by striking out, in lines 161 to 165, inclusive the definition of “trigger crank” and  
385 inserting in place thereof the following 3 definitions:-

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

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

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

397 SECTION 38. Said section 121 of said chapter 140, as so appearing, is hereby further  
398 amended by striking out lines 175 to 192.

399 SECTION 39. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
400 by striking out section 121A and inserting in place thereof the following 3 sections:-

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

408 (b) Upon receiving the application, the licensing authority shall provide the applicant  
409 with a receipt that includes: (i) the applicant’s name and address, current license or permit

410 number and expiration date, if any; (ii) the date the licensing authority received the application;  
411 (iii) the name, address and telephone number of the licensing authority or its agent that received  
412 the application; (iv) the type of application; and (v) whether the application is for a new license  
413 or permit or renewal of the same.

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

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

430 (e) The licensing authority may also make inquiries concerning an applicant to: (i) the  
431 commissioner of the department of criminal justice information services relative to any

432 disqualifying condition, prior license or permit information in the department of criminal justice  
433 information services portal, and records of purchases, sales, rentals, leases and transfers of  
434 firearms or ammunition concerning the applicant; (ii) the commissioner of probation relative to  
435 any record contained within the department of probation or the statewide domestic violence  
436 record keeping system concerning the applicant; and (iii) the commissioner of the department of  
437 mental health relative to whether the applicant is a suitable person to possess firearms. The  
438 director or commissioner to whom the licensing authority makes such an inquiry shall provide  
439 prompt and full cooperation with any investigation of the applicant.

440 (f) Whoever knowingly files an application for any firearms license or permit issued  
441 under sections 124 to 125B, inclusive, containing false information or knowingly issues any such  
442 license or permit in violation of this chapter shall be punished by a fine of not less than \$500 nor  
443 more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years in a  
444 house of correction, or by both such fine and imprisonment.

445 Section 121B. (a) The application for any firearms license or permit issued under sections  
446 124 to 125B, inclusive, shall be made in a standard form provided by the commissioner of the  
447 department of criminal justice information services, which shall require the applicant, or parent  
448 or guardian of a minor, to affirmatively state, under the pains and penalties of perjury, that the  
449 applicant is not disqualified on any of the grounds enumerated in section 123 of this chapter from  
450 being issued such license or permit.

451 (b) A licensing authority shall record in books, forms or electronic files kept for that  
452 purpose on the premises, and on an electronic portal provided by the department of criminal  
453 justice information services, when produced or received, all: (i) firearms licensing applications,

454 receipts, fees, affidavits, license location transfers and training certificates; (ii) issued licenses  
455 and permits, and denials, revocations and suspensions of the same; (iii) decisions of the firearm  
456 licensing review board; and (iv) firearm transfers including deliveries, seizures, surrenders, loss  
457 or theft or disposals. The department shall ensure automatic notification to the licensing authority  
458 of the existence of any disqualifying condition discovered or occurring subsequent to the  
459 issuance of said license or permit.

460 (c) Any license or permit issued under sections 124 to 124E, inclusive, shall be issued in  
461 standard form provided by the department in a size and shape equivalent to that of a license to  
462 operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter  
463 90 and shall be clearly marked with the license or permit name. It shall contain a license or  
464 permit number, name, address, photograph, fingerprint, place and date of birth, height, weight,  
465 hair color, eye color and signature of the licensee or permit-holder and shall provide, in a legible  
466 font size and style, the telephone number for the 988 Suicide and Crisis Lifeline.

467 Section 121C. Notwithstanding any general or special law, rule or regulation to the  
468 contrary, the colonel of state police, in conjunction with the secretary of the executive office of  
469 public safety, shall promulgate rules and regulations implementing a statewide firearm surrender  
470 program. In conjunction with this program only, any resident of the commonwealth who  
471 complies with the policies set forth by the colonel shall not be asked for identification and shall  
472 be immune from prosecution for possession of any firearm surrendered pursuant to this section;  
473 provided, however, that nothing herein shall prohibit the prosecution of any person for the  
474 unlawful possession of a firearm who is not in compliance with the conditions and procedures  
475 established by the colonel; and provided further, that nothing herein shall prohibit the  
476 prosecution of any person for any other offense committed within the commonwealth.



477 Any firearm surrendered under this program that is reported lost or stolen shall be  
478 returned to its lawful owner; provided, however, that any firearm, suspected to be evidence in a  
479 crime shall remain in the custody and control of the department of state police in the same  
480 manner as any other such firearm lawfully seized by the department of state police. The  
481 department of state police may test-fire and preserve any and all firearms voluntarily  
482 surrendered. All firearms that have been voluntarily surrendered that are not suspected to be  
483 evidence of criminal activity and have not been reported stolen shall be disposed of in  
484 accordance with procedures established by the colonel.

485 SECTION 40. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
486 by striking out section 122 and inserting in place thereof the following section:-

487 Section 122. (a)(1) All firearms possessed, manufactured or assembled in the  
488 commonwealth must be registered in accordance with this section. Firearm registration shall be  
489 completed via a real time electronic firearms registration system developed and maintained by  
490 the department of criminal justice information services and, at a minimum, include the following  
491 information: (i) the registrant's name, address and contact information; (ii) the registrant's  
492 license or permit type, license or permit number, and expiration date or documentation of  
493 exemption pursuant to sections 127 or 127A; (iii) the type of firearm; (iv) the date the firearm  
494 was acquired; (v) the name and address of the source from which the firearm was obtained,  
495 including the name and address of the prior registrant if applicable; (vi) whether the firearm is a  
496 privately made firearm; and (vi) a statement signed by the registrant under the pains and  
497 penalties of perjury that they are properly licensed, permitted or exempted under the laws of the  
498 commonwealth and are not otherwise prohibited from owning or possessing a firearm.

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

505 (b) All firearm transactions within the commonwealth including but not limited to all  
506 purchases, sales, rentals, leases, loans or other transfers must be reported to the electronic  
507 firearms registration system. All firearm transactions must be reported by all parties to the  
508 transaction via the electronic firearms registration system within 7 days of the sale, rental, lease,  
509 loan or other transfer; provided, however, that no report is required for a loan of a firearm to a  
510 duly licensed or exempted person for a period of less than 7 days.

511 (c) Any loss or theft of a firearm shall be reported by the owner thereof via the electronic  
512 firearms registration system within 7 days to the licensing authority or state police where it is  
513 registered and the department of criminal justice information services. Such report shall include,  
514 but is not limited to, a complete description of the firearm, including the make, model, serial  
515 number and caliber and whether it is a large capacity firearm. The electronic firearms registration  
516 system shall provide automatic and immediate notification to the licensing authority in the town  
517 or city where the owner resides and where the license or permit was issued.

518 (d) This section shall not apply to firearms: (i) being delivered to law enforcement for the  
519 sole purpose of their destruction; (ii) possessed by common carriers and their duly authorized  
520 employees and agents while performing the regular and ordinary transport of firearms as

521 merchandise for customers licensed to permit such transport; (iii) possessed by individuals  
522 lawfully traveling through the commonwealth in the care and custody of a nonresident owner  
523 provided that the firearms are stored in accordance with sections 126B and 126C; (iv) that are the  
524 property of the government of the United States; or (iv) produced by federally licensed  
525 manufacturers not for sale in the commonwealth.

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

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

538 SECTION 41. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
539 by striking out section 122A and inserting in place thereof the following section:-

540 Section 122A. (a) All firearms shall have a serial number in accordance with the  
541 requirements of this section. To meet serialization requirements all firearms shall be  
542 conspicuously engraved, cast or otherwise permanently stamped with a unique serial number on

543 the frame or receiver; provided, that the serial number must be placed in a manner not  
544 susceptible of being readily obliterated, altered or removed and must be engraved, cast or  
545 stamped to a minimum depth of .003 inches and in a print size no smaller than 1/16 inch;  
546 provided further, that the serialization of firearms, frames and receivers made from non-metallic  
547 materials must be accomplished by using a metal plate permanently embedded in the material of  
548 the frame or receiver.

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

555 (c) No person shall manufacture or assemble a privately made firearm without: (i)  
556 obtaining a unique serial number from the department of criminal justice information services  
557 prior to manufacture or assembly; (ii) serializing the firearm with the obtained serial number  
558 during manufacture or assembly; and (iii) registering the firearm with the department in  
559 accordance with section 122 within 7 days of the firearm's manufacture or assembly.

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

562 (e) The department of criminal justice information services shall develop and maintain a  
563 serial number request system to electronically receive, record and process requests for a unique  
564 serial number in accordance with this section. This system shall be integrated with the electronic

565 firearms registration system created by the department to register all firearms and report firearm  
566 transactions pursuant to section 122, and ensure that all data on privately made firearms is  
567 available for data collection and tracing purposes pursuant to sections 122B and 122C,  
568 respectively.

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

573 (g) The requirements of this section shall not apply to firearms: (i) being delivered to law  
574 enforcement for the sole purpose of their destruction; (ii) possessed by common carriers and their  
575 duly authorized employees and agents while performing the regular and ordinary transport of  
576 firearms as merchandise for customers licensed to permit such transport; (iii) possessed by  
577 individuals lawfully traveling through the commonwealth in the care and custody of a  
578 nonresident owner provided that the firearms are stored in accordance with sections 126B and  
579 126C; (iv) that are the property of the government of the United States; or (iv) produced by  
580 federally licensed manufacturers not for sale in the commonwealth.

581 (h) The executive office of public safety and security, in consultation with the  
582 department, shall promulgate rules and regulations for the implementation of this section,  
583 including technical requirements for the serialization of firearms and procedures for requesting  
584 serial numbers and which shall include public notice and an outreach campaign to promote  
585 awareness of this section.

586 SECTION 42. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
587 by striking out section 122B and inserting in place thereof the following section:-

588 122B. (a) The department of criminal justice information services in collaboration with  
589 the executive office of public safety and security and the executive office of technology services  
590 and security, shall collect, assemble, and publish data and other information relating to the use of  
591 firearms in the commonwealth.

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

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

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

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

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

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

605 and

606 (iv) the age, gender, race, ethnicity, and municipality of individuals whose applications  
607 for a long gun permit were denied; and

608 (2) the following aggregate data on firearm-related violence, including but not limited to  
609 firearm-involved crimes and attempted or completed suicides using firearms:

610 (i) the type of firearm-involved violence (e.g., attempted or completed suicide, homicide,  
611 accidental shooting, other firearm-involved crime);

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

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

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

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

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

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

619 (viii) the disposition of any prosecution;

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

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

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

625 (xii) whether the involved firearm was lost, stolen or otherwise illegally obtained; and  
626 (xiii) whether the involved firearm was untraceable or a privately made firearm,  
627 including the manner in which it was produced.

628 (d) the department of criminal justice information services, in coordination with the  
629 executive office of public safety and security, shall promulgate rules and regulations to ensure  
630 prompt collection, exchange, and publication the firearm licensing information under this  
631 section.

632 SECTION 43. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
633 by striking out section 122C and inserting in place thereof the following section:-

634 Section 122C. A firearm used to carry out a criminal act shall be traced by the licensing  
635 authority for the city or town in which the crime took place or the law enforcement agency  
636 taking possession of the firearm. Said authority or agency shall report all available statistical data  
637 to the department of criminal justice information services. This statistical data shall include, but  
638 not be limited to: (i) the make, model, serial number and caliber of the weapon used; (ii) the type  
639 of crime committed; (iii) whether an arrest or conviction was made; (iv) whether fingerprint  
640 evidence was found on the firearm; (v) whether ballistic evidence was retrieved from the crime  
641 scene; (vi) whether the criminal use of the firearm was related to known gang activity; (vii)  
642 whether the weapon was obtained illegally; (viii) whether the weapon was lost or stolen; and (ix)  
643 whether the person using the weapon was otherwise a prohibited person.

644 The department of criminal justice information services shall ensure that data reported  
645 pursuant to this section is automatically transmitted into the federal electronic system  
646 maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States



647 Department of Justice and to the commonwealth fusion center or the criminal firearms and  
648 trafficking unit within the division of investigation and intelligence in the department of state  
649 police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce  
650 an annual report by December 31 of each year regarding crimes committed in the commonwealth  
651 using firearms, including all of the categories of data contained in this section, and shall submit a  
652 copy of the report to the joint committee on public safety and homeland security, the clerks of  
653 the house of representatives and the senate and, upon request, to criminology, public policy and  
654 public health researchers and other law enforcement agencies.

655 SECTION 44. Sections 122D, 129C, 129D, 130 ½, 131½, 131¾, 131F ½, 131I, 131J,  
656 131K, 131L, 131M, 131N, 131O, 131Q, 131R, 131S, 131T, 131U, 131V, 131W, 131X, and  
657 131Y of said chapter 140 of the General Laws are hereby repealed.

658 SECTION 45. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
659 by striking out section 123 and inserting in place thereof the following 5 sections:-

660 Section 123. (a) A licensing authority shall deny any application for a license or permit  
661 issued under sections 124 to 125B, inclusive, or renewal thereof, to a person the licensing  
662 authority determines to be a prohibited person. A prohibited person shall be a person who:

663 (i) has ever, in a court of the commonwealth or in any other state or federal jurisdiction,  
664 been convicted or adjudicated a youthful offender or delinquent child, or both as defined in  
665 section 52 of chapter 119, for the commission of: (A) a felony; (B) a misdemeanor punishable by  
666 imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a  
667 violation of any law regarding the use, possession, ownership or transfer of firearms or  
668 ammunition for which a term of imprisonment may be imposed; (E) a violation of any law of the

669 commonwealth regulating the use, possession or sale of controlled substances, as defined in  
670 section 1 of chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18  
671 U.S.C. 921(a)(33); provided, however, that, the commission of a crime described in clauses (B),  
672 (D) or (E) shall only disqualify an applicant for a long gun permit under section 124A for 5 years  
673 after the applicant was convicted or adjudicated or released from confinement, probation or  
674 parole supervision for such conviction or adjudication, whichever occurs later.

675 (ii) is, or has been: (A) committed to a hospital or institution for mental illness, alcohol or  
676 substance abuse, except a commitment pursuant to sections 35 or 36C of chapter 123, unless  
677 after 5 years from the date of the confinement the applicant submits with the application an  
678 affidavit of a licensed physician or clinical psychologist attesting familiarity with the applicant's  
679 mental illness, alcohol or substance abuse and that in the physician's or psychologist's opinion,  
680 the applicant is not suffering from a mental illness, or alcohol or substance abuse in a manner  
681 that shall prevent the applicant from possessing a licensed firearm or permitted long gun; (B)  
682 committed by a court order to a hospital or institution for mental illness, unless the applicant was  
683 granted a petition for relief of the court order pursuant to said section 36C of said chapter 123  
684 and submits a copy of the court order with the application; (C) subject to an order of the probate  
685 court appointing a guardian or conservator for an incapacitated person on the grounds that the  
686 applicant lacks the mental capacity to contract or manage the applicant's affairs, unless the  
687 applicant was granted a petition for relief of the order of the probate court pursuant to section  
688 56C of chapter 215 and submits a copy of the order with the application; or (D) found to be a  
689 person with an alcohol use disorder or substance use disorder or both and committed pursuant to  
690 said section 35 of said chapter 123, unless the applicant was granted a petition for relief of the  
691 court order pursuant to said section 35 and submits a copy of the court order with the application;

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

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

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

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

703 (vii) is a fugitive from justice.

704 (b) A licensing authority shall deny any application for a license or permit issued under  
705 sections 124 to 125B, inclusive, or renewal thereof, to a person the licensing authority  
706 determines to be unsuitable to hold a license or permit. A determination of unsuitability shall be  
707 based on reliable, articulable, and credible information that the applicant has exhibited or  
708 engaged in behavior that suggests that, if issued a firearms license or permit, the applicant may  
709 create a risk to public safety or a risk of danger to themselves or others. Upon denial of an  
710 application or renewal of a license or permit based on a determination of unsuitability, the  
711 licensing authority shall notify the applicant in writing setting forth the specific reasons for the  
712 determination.

713 (c) In the case of an application or renewal of a long gun permit under section 124A, a  
714 licensing authority shall not have the authority to deny an application on the grounds of  
715 unsuitability but may file a petition requesting that the district court of jurisdiction deny said  
716 application on unsuitability grounds. Such petition shall operate to stay the application and shall  
717 be founded upon a written statement of the reasons for supporting a finding of unsuitability.  
718 Upon filing, a copy of the written petition and statement will be provided to the applicant by the  
719 licensing authority. The court shall within 90 days of receiving the filed petition hold a hearing  
720 to determine if the applicant for the long gun permit is unsuitable and enter a judgment on  
721 suitability. A determination of unsuitability shall be based on a preponderance of the evidence  
722 that there is reliable, articulable, and credible information that the applicant has exhibited or  
723 engaged in behavior that suggests that, if issued a long gun license, the applicant may create a  
724 risk to public safety or a risk of danger to self or others. If a court enters a judgment that an  
725 applicant is unsuitable the court shall notify the applicant in writing setting forth the specific  
726 reasons for such determination. If a court has not entered a judgement that an applicant is  
727 unsuitable within 90 days of the petition, judgment that the applicant is suitable for a long gun  
728 license shall be automatically entered.

729 (d) An applicant aggrieved by a denial of a license or permit issued under sections 124 to  
730 125B, inclusive, may appeal the denial pursuant to section 123C.

731 Section 123A. (a) There shall be a firearm licensing review board, established within the  
732 department of criminal justice information services, in this section called the board, comprised of  
733 7 members: 1 of whom shall be a member of the department of criminal justice information  
734 services appointed by the commissioner and who shall be the chair, 1 of whom shall be the  
735 secretary of public safety or their designee, 1 of whom shall be the colonel of state police or their

736 designee, 1 of whom shall be appointed by the Massachusetts Chiefs of Police Association, 1 of  
737 whom shall be the attorney general or their designee, 1 of whom shall be an attorney with  
738 litigation experience in firearm licensing cases and appointed by the governor from a list of  
739 qualified persons submitted to the governor by the Massachusetts Bar Association, and 1 of  
740 whom shall be a retired member of the judiciary and appointed by the governor.

741 (b) An applicant for a long gun permit, self-defense spray permit or a license to carry  
742 who has been convicted of or adjudicated a delinquent child or youthful offender by reason of an  
743 offense or offenses punishable by 2 1/2 years imprisonment or less when committed under the  
744 laws of the commonwealth which was not: (a) an assault or battery on a family member or  
745 household member, as defined by section 1 of chapter 209A, except that the determination to be  
746 made under clause (e) of said section 1 of said chapter 209A shall be made by the review board,  
747 may, after the passage of 5 years from conviction, adjudication as a youthful offender or a  
748 delinquent child, or release from confinement, commitment, probation or parole supervision for  
749 such conviction or adjudication, whichever occurs later, may file a petition for review of  
750 eligibility with the firearm licensing review board.

751 (c) The petitioner shall provide to the board a copy of a completed long gun permit, self-  
752 defense spray permit or license to carry application, which application shall have previously been  
753 submitted to the licensing authority or be submitted to the licensing authority contemporaneously  
754 with the petition filed with the board. The petitioner shall have the burden to prove his suitability  
755 to receive a long gun permit, self-defense spray permit or a license to carry by clear and  
756 convincing evidence. The board shall set a reasonable filing fee to file the petition.

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

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

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

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

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

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

787 (i) any license or permit shall be \$100 of which the licensing authority shall retain \$25 of  
788 the fee; \$50 of the fee shall be deposited into the General Fund and not less than \$50,000 of the  
789 total funds deposited into the General Fund shall be allocated to the Firearm Licensing Review  
790 Board, established in section 123A, for its operations and that any funds not expended by said  
791 board for its operations shall revert back to the General Fund; and \$25 of the fee shall be  
792 deposited in the Firearms Fingerprint Identity Verification Trust Fund;

793 (ii) a license to carry firearms for active and retired law enforcement officials, or local,  
794 state, or federal government entities acting on their behalf shall be \$25 of which half shall be  
795 retained by the licensing authority and half deposited into the General Fund; and

796 (iii) a long gun permit for persons under 18 years of age or a self-defense spray permit  
797 shall be \$25 of which half shall be retained by the licensing authority and half deposited into the  
798 General Fund.

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

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

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

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

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

814 (f) Notwithstanding any general or special law to the contrary, an expired license to carry  
815 firearms or a long gun permit shall remain valid for all lawful purposes if:

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

818 (ii) the licensee or permit holder is on active duty with the armed forces of the United  
819 States on the expiration date of the license, the license or permit and shall remain valid until the



820 licensee or permit holder is released from active duty and for a period of not less than 180 days  
821 following the release; provided, however, that, if the licensee or permit holder applied for  
822 renewal prior to the end of that period, the license or permit shall remain valid for all lawful  
823 purposes until the application for renewal is approved or denied; or

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

826 (g) Any person in possession of a firearms license or long gun permit whose respective  
827 license or permit is invalid for the sole reason that it has expired, not including licenses and  
828 permits that remain valid under subsection (f), and not otherwise disqualified from renewal upon  
829 application, shall be subject to a fine of not less than \$100 nor more than \$5,000 and the  
830 provisions of section 10 of chapter 269 shall not apply; provided, however, that this exemption  
831 shall not apply if such license or permit: (i) has been revoked or suspended unless such  
832 revocation or suspension was caused by failure to give notice of a change of address; (ii) is the  
833 subject of pending revocation or suspension unless such revocation or suspension was caused by  
834 failure to give notice of a change of address; or (iii) has had an application for renewal denied.

835 Any law enforcement officer who discovers a person to be in possession of a firearm after such  
836 person's license or permit has expired, meaning after 90 days beyond the stated expiration date  
837 on the license, or has been revoked or suspended solely for failure to given notice of a change of  
838 address, shall confiscate such firearm and the expired or suspended license then in possession  
839 and such officer shall forward such license or permit, as soon as practical, to the licensing  
840 authority that issued the expired license or permit. The officer shall, at the time of confiscation,  
841 provide to the person whose firearm has been confiscated, a written inventory and receipt for all  
842 firearms confiscated and the officer shall exercise due care in the handling, holding and storage

843 of these items. Any confiscated firearm shall be considered surrendered and subject to the  
844 conditions of section 123D; provided, however, that the confiscated firearm shall be returned to  
845 the owner if proof of license or permit reinstatement is provided within 1 year of confiscation.  
846 This paragraph shall not apply to temporary licenses to carry under section 124B.

847           Section 123C. (a) A licensing authority shall revoke or suspend any license or permit  
848 issued in sections 124 to 125B, inclusive, upon the occurrence of any event which makes the  
849 licensee or permit holder a prohibited person as defined in section 123. A licensing authority  
850 may also revoke or suspend any license or permit issued in sections 124 to 125B, inclusive, upon  
851 a subsequent determination of unsuitability as defined in section 123, or upon satisfactory proof  
852 that the licensee has violated or permitted any violation of this chapter; provided, however, that a  
853 licensing authority shall not revoke a long gun permit on the grounds of unsuitability and shall  
854 instead petition the district court for revocation pursuant to the procedures of subsection (c) of  
855 section 123. A licensing authority may revoke or suspend any license issued under sections 125  
856 or 125B only after due notice to the licensee and reasonable opportunity to be heard.

857           (b) Any revocation or suspension of a license or permit shall be in writing and shall state  
858 the reasons therefor. No pendency of proceedings before the court shall operate to stay such  
859 revocation or suspension. Notices of revocation and suspension shall be forwarded to the  
860 commissioner of the department of criminal justice information services and the commissioner of  
861 probation and shall be included in the criminal justice information system. A revoked or  
862 suspended license or permit may be reinstated only upon the termination of all disqualifying  
863 conditions. If a license to sell is revoked, the licensee shall be disqualified to receive a license for  
864 one year after the expiration of the term of the license so revoked.

865 (c) Any applicant or licensee aggrieved by a denial, revocation, or suspension of a license  
866 to sell under section 125 may within 10 days thereafter apply to the colonel of the state police for  
867 such license, who may direct that said licensing authority grant said license, if, after a hearing,  
868 the colonel is satisfied that there were no reasonable grounds for the denial, suspension or  
869 revocation and that the applicant is not barred by law from holding such a license.

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

877 (e) The justice may order a firearms license or permit be issued or reinstated upon a  
878 finding that there was no reasonable ground for denying, suspending or revoking the license and  
879 that petitioner is not prohibited by law from possessing the license.

880 Section 123D. (a) Upon revocation, suspension or denial of an application for any  
881 firearms license or permit issued pursuant to sections 124 to 125B, inclusive, the person whose  
882 application was so revoked, suspended or denied shall without delay deliver or surrender to the  
883 licensing authority where the person resides all firearms and ammunition which are registered to  
884 the person or that the person then possesses, and shall report such delivery or surrender to the  
885 electronic firearms registration system created pursuant to section 122. The person or the  
886 person's legal representative shall have the right, at any time up to 1 year after the delivery or

887 surrender, to transfer the firearms and ammunition, notwithstanding the limits on private firearm  
888 transfers in section 127B, to a licensed dealer or to a person legally permitted to purchase or take  
889 possession of the firearms and ammunition and, upon notification in writing by the purchaser or  
890 transferee and the former owner, the licensing authority shall within 10 days deliver the firearms  
891 and ammunition to the transferee or purchaser and the licensing authority shall observe due care  
892 in the receipt and holding of any such firearm or ammunition; provided, however, that the  
893 purchaser or transferee shall affirm in writing that the purchaser or transferee shall not transfer  
894 the firearms or ammunition to the former owner; provided further, however, that such transfer  
895 will not be permitted if the firearm may be evidence in any pending criminal investigation. The  
896 licensing authority shall at the time of delivery or surrender inform the person in writing of their  
897 right to request a transfer in accordance with this paragraph.

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

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

914 (d) Any such firearm or ammunition that is stored and maintained by a licensed dealer as  
915 provided under this section may be so auctioned at the direction of: (i) the licensing authority at  
916 the expiration of 1 year following initial surrender or delivery to such licensing authority; or (ii)  
917 the dealer then in possession, if the storage charges for such firearm or ammunition have been in  
918 arrears for 90 days; provided, however, that in either case, title shall pass to the licensed dealer  
919 for the purpose of transferring ownership to the auctioneer; and provided further that in either  
920 case, after deduction and payment for storage charges and all necessary costs associated with  
921 such surrender and transfer, all surplus proceeds, if any, shall be immediately returned to the  
922 owner of such firearm or ammunition; provided, however, that any firearm or ammunition  
923 identified pursuant to section 122C as having been used to carry out a criminal act and any  
924 firearm or ammunition prohibited by law from being owned or possessed within the  
925 commonwealth shall not be sold at public auction pursuant to this section and shall instead be  
926 destroyed by the colonel of the state police.

927 (e) Unless otherwise required in this chapter, if the licensing authority cannot reasonably  
928 ascertain a lawful owner within 180 days of acquisition by the authority, the authority may, in its  
929 discretion, trade or dispose of surplus, donated, abandoned or junk firearms or ammunition to  
930 properly licensed distributors or firearms dealers. The proceeds of the sale or transfer shall be  
931 remitted or credited to the municipality in which the authority presides to purchase weapons,  
932 equipment or supplies or for violence reduction or suicide prevention; provided, however, that no

933 firearm or ammunition identified pursuant to section 122C as having been used to carry out a  
934 criminal act shall be considered surplus, donated, abandoned or junk for the purposes of this  
935 section.

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

949 (g) The secretary of the executive office of public safety may promulgate such rules and  
950 regulations as are necessary to carry out this section.

951 SECTION 46. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
952 by striking out section 124 and inserting in place thereof the following 6 sections:-

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

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

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

966 (c) No person shall be issued a license to carry or possess machine gun in the  
967 commonwealth or be otherwise legally entitled to transfer, possess or carry a machine gun,  
968 feeding device or ammunition therefor, except that a licensing authority or the colonel of the  
969 state police may issue a machine gun license to: (i) a firearm instructor certified by the municipal  
970 police training committee for the sole purpose of firearm instruction to police personnel; or (ii) a  
971 bona fide collector of firearms as defined in section 121 upon application for renewal of such  
972 license.

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

975 (e) A person issued a license under this section shall report any change of address via the  
976 electronic firearm registration system administered by the commissioner of the department of

977 criminal justice information services. Such notification shall be made on the portal within 30  
978 days of its occurrence. Failure to notify in a timely manner shall be cause for revocation or  
979 suspension of said license.

980 (f) A license to carry firearms shall be valid, unless revoked or suspended, for a period of  
981 not more than 6 years and shall expire on the anniversary of the licensee's or permit-holder's  
982 date of birth occurring not less than 5 years nor more than 6. Any license issued to an applicant  
983 born on February 29 shall expire on March 1.

984 (g) Any person issued a license under this section, who, while in possession of a firearm  
985 and not being within the limits of their own property or residence, or such person whose property  
986 or residence is under lawful search, shall on demand of a law enforcement officer, exhibit their  
987 license. Failure to do so may result in the surrender of said person's firearms and ammunition,  
988 which shall be taken into custody pursuant to section 123D; provided, however, that such  
989 firearms, feeding devices and ammunition shall be returned forthwith within 30 days of  
990 presenting a valid license to the appropriate law enforcement agency.

991 Section 124A. (a) A long gun permit shall entitle the holder thereof to transfer, possess  
992 and carry common long guns, feeding devices and the ammunition therefor. A long gun permit  
993 shall not entitle a holder to transfer, possess or carry any other firearm including any large  
994 capacity firearm or semiautomatic rifle and shotgun except under the direct supervision of a  
995 holder of a license to carry firearms at an incorporated shooting club or shooting range licensed  
996 pursuant to section 56A or with a municipal license.

997 (b) Any lawful resident 18 years of age or older residing within the jurisdiction of the  
998 licensing authority or residing in an area of exclusive federal jurisdiction located within a city or



999 town may submit to the licensing authority an application for a long gun permit, or renewal of  
1000 the same, which the licensing authority shall issue if it appears that the applicant is not a  
1001 prohibited person and no judicial stay is requested as outlined in section 123. A person aged 15  
1002 years or older, but less than 18 years of age may submit an application for a long gun permit and  
1003 shall be issued the same only if the applicant meets the requirements of this section and submits  
1004 with the application a certificate of a parent or guardian granting the applicant permission to  
1005 apply for the permit. A person 14 years of age may submit an application for a long gun permit  
1006 but the applicant shall not be issued the permit until they reach 15 years of age.

1007 (c) No permit shall issue under this section unless the applicant submits with their  
1008 application a basic firearms safety certificate required pursuant to section 126.

1009 (e) A person issued a permit under this section shall report any change of address via the  
1010 electronic firearm registration system administered by the commissioner of the department of  
1011 criminal justice information services. Such notification shall be made on the portal within 30  
1012 days of its occurrence. Failure to notify in a timely manner shall be cause for revocation or  
1013 suspension of said permit.

1014 (f) A permit shall be valid, unless revoked or suspended, for a period of not more than 6  
1015 years and shall expire on the anniversary of the permit holder's date of birth occurring not less  
1016 than 5 years nor more than 6. Any permit issued to an applicant born on February 29 shall expire  
1017 on March 1.

1018 (g) Any person issued a permit under this section, who, while in possession of a firearm  
1019 and not being within the limits of their own property or residence, shall on demand by a law  
1020 enforcement officer, exhibit a permit authorizing possession of such firearms. Failure to do so

1021 may result in the surrender of all firearms and ammunition therefor which shall be taken into  
1022 custody pursuant to section 123D; provided, however, that such firearms and ammunition shall  
1023 be returned forthwith upon the presentation within 30 days of a valid long gun permit.

1024 Section 124B. (a) A temporary license to carry firearms or ammunition therefor within  
1025 the commonwealth shall be issued by the colonel of the state police or their designee in  
1026 accordance with the qualification requirements and procedures for a license to carry firearms  
1027 issued under section 124, to:

1028 (i) a resident of the commonwealth for purposes of sports competition;

1029 (ii) a nonresident for purposes of a firearm competition;

1030 (iii) a nonresident who is in the employ of a bank, public utility corporation, or a firm  
1031 engaged in the business of transferring monies, or business of a similar nature, or a firm licensed  
1032 as a private detective under chapter 147, and whose application is endorsed by an employer; or

1033 (iv) a nonresident who is a member of the armed services and is stationed within the  
1034 territorial boundaries of the commonwealth and has the written consent of their commanding  
1035 officer.

1036 (b) A temporary license to possess a machine gun within the commonwealth, may be  
1037 issued by the colonel of the state police or their designee in accordance with the qualification  
1038 requirements and procedures for a license to carry a machine gun issued under section 124 to a  
1039 nonresident employee of a federally licensed manufacturer of machine guns for the purpose of  
1040 transporting or testing relative to the manufacture of machine guns, and whose application is  
1041 endorsed by their employer.

1042 (c) A temporary license issued under subsections (i) and (ii) of paragraph (a) shall be  
1043 valid for a period of 1 year and may be renewed, if necessary, by the colonel or their designee. A  
1044 temporary licensed issued under subsections (iii) and (iv) of paragraph (a) and under paragraph  
1045 (b) may be issued for any term not to exceed 2 years and shall expire in accordance with the  
1046 terms in section 123B.

1047 (d) The colonel or their designee may permit a licensee under this section to possess a  
1048 large capacity firearm, and large capacity feeding device; provided, however, that this  
1049 entitlement shall be clearly indicated on the license and conform with the requirements of section  
1050 128B.

1051 (e) A temporary license issued pursuant to this section shall clearly be marked as such  
1052 and may not be used to purchase or otherwise transfer firearms or ammunition within the  
1053 commonwealth.

1054 Section 124C. (a) A person with a temporary license issued under section 124B, shall  
1055 apply to the colonel of the state police or their designee for a permit to purchase, rent or lease a  
1056 firearm or ammunition therefor if it appears that such purchase, rental or lease is not for an  
1057 unlawful purpose. A permit to purchase shall be valid for not more than 10 days after issue and  
1058 may be revoked at will.

1059 (b) Whoever knowingly issues a permit in violation of this section shall be punished by a  
1060 fine of not less than \$500 nor more than \$1,000 and by imprisonment for not less than 6 months  
1061 nor more than 2 years in the house of correction.

1062 Section 124D. Sections 126, 128A and 129 shall not apply to stun guns. The secretary of  
1063 public safety and security shall promulgate regulations restricting access or use of stun guns by

1064 non-licensed persons and establishing minimum safety and quality standards, safe storage  
1065 requirements, education and safety training requirements and law enforcement training on the  
1066 appropriate use of stun guns, which shall require that any stun gun purchased or used by a law  
1067 enforcement or public safety official include a mechanism for tracking the number of times the  
1068 stun gun has been fired.

1069           Section 124E. (a) No person under 18 years of age may purchase or possess self-defense  
1070 without a self-defense spray permit issued by a licensing authority. This permit shall be valid to  
1071 purchase and possess self-defense spray, including all chemical mace, pepper spray or other  
1072 similarly propelled liquid, gas or powder designed to temporarily incapacitate.

1073           (b) A local licensing authority may issue to a person at least 15 years of age but less than  
1074 18 years a self-defense spray permit if the person is not a prohibited person or unsuitable under  
1075 section 123. A self-defense spray permit is issued for the sole purpose of purchasing and  
1076 possessing self-defense spray and shall clearly state that it is valid for such limited purpose only.  
1077 This permit may be issued to a person under the age of 15 if the applicant submits with their  
1078 application a certificate from the applicant's parent or guardian granting permission to apply for  
1079 this permit.

1080           (c) Whoever, not being licensed as provided in section 125, sells self-defense spray shall  
1081 be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for  
1082 not more than 2 years. Whoever licensed or unlicensed under section 125 sells self-defense spray  
1083 to a person younger than 18 years of age, if the person younger than 18 years of age does not  
1084 have a self-defense spray permit, shall be punished by a fine of not more than \$300.

1085 (d) A person under 18 years of age who purchases or possesses self-defense spray and  
1086 who does not have a self-defense spray permit shall be punished by a fine of not more than \$300.

1087 (e) A self-defense spray permit shall be valid for a period of 3 years and shall expire on  
1088 the anniversary of the permit holder's date of birth occurring not less than 3 years nor more than  
1089 4 years from the date of issue. Any permit issued to an applicant born on February 29 shall  
1090 expire on March 1.

1091 SECTION 47. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1092 by striking out section 125 and inserting in place thereof the following 4 sections:-

1093 Section 125. (a) A licensing authority may grant a license to sell, rent, lease, purchase or  
1094 otherwise transfer firearms, feeding devices and ammunition therefor, or to be in business as a  
1095 gunsmith, to any person 21 years of age or older who is neither a prohibited person nor deemed  
1096 unsuitable to be issued said license as set forth in section 123 and who completes the online  
1097 dealer training classes mandated under section 126A.

1098 (b) Licensees shall maintain a business premise that is not a residential dwelling wherein  
1099 all transactions shall be conducted and wherein all records shall be kept. A license to sell does  
1100 not entitle the holder thereof to possess or carry any firearm, feeding device or ammunition  
1101 outside of the licensed business premises. A license to sell shall not authorize a licensee to carry  
1102 a firearm at any place outside their licensed place of business. The licensee may request a  
1103 transfer of a license to sell from one location to another within the city or town of the licensing  
1104 authority's jurisdiction and such request shall be granted at the discretion of the licensing  
1105 authority, upon the same terms and conditions upon which the license was originally granted. A  
1106 license to sell may not be transferred to any other person or entity.

1107 (c) Licensees must display their license to sell or a copy thereof, certified by the licensing  
1108 authority, in a position where it can be easily read; provided, however, that no firearm shall be  
1109 displayed in any outer window of the business premises or in any other place where it can be  
1110 readily seen from outside the business premises.

1111 (d) Licensees must conspicuously post and distribute at each purchase counter a notice  
1112 providing information on: (i) safe transportation and storage of firearms developed and provided  
1113 by the department of criminal justice information services who shall develop and maintain on its  
1114 website for download a sign providing such information; and (ii) suicide prevention developed  
1115 and provided by the division on violence and injury prevention within the department of public  
1116 health who shall develop and make available on its website for download a sign providing the  
1117 information on suicide prevention.

1118 (e) A license to sell firearms shall expire 3 years from the date of issuance.

1119 Section 125A. (a) Prior to any transfer, a person with a license to sell under section 125,  
1120 in this section referred to as licensee, shall verify the status of any license, permit or exemption  
1121 documentation including a verification that the person presenting the license, permit or  
1122 documentation is the lawful holder thereof. No transfer of any firearm, feeding device or  
1123 ammunition shall be made to any person not in possession of the required license, permit or  
1124 exemption documentation at the time of the transaction.

1125 (b) Upon being presented with an expired, suspended or revoked license or permit said  
1126 licensee shall:

1127 (i) immediately report all firearm transfers and transactions to the department of criminal  
1128 justice information services using its electronic firearms registration system, including but not  
1129 limited to, all information recorded pursuant to subsection (c);

1130 (ii) take possession of such card or license and immediately forward the same to the  
1131 licensing authority for the city or town where the licensee conducts business;

1132 (iii) issue the license or permit holder a receipt, in a form provided by the commissioner  
1133 of the department of criminal justice information services, which shall state that the holder's  
1134 license or permit is expired, suspended or revoked, was taken by the licensee, and forwarded to  
1135 the licensing authority, and which shall be valid for 90 days for the purpose of providing  
1136 immunity from prosecution under section 10 of chapter 269 and

1137 (iv) notify the license or permit holder of their duty to surrender their firearms forthwith  
1138 to their local licensing authority under section 123D.

1139 The licensee shall be immune from civil and criminal liability for good faith compliance  
1140 with the provisions herein.

1141 (c) The licensee shall make and keep an on-site or electronic record of all firearm  
1142 transactions and said record shall be open at all times to the inspection of the police. Before  
1143 transfer or delivery of any sold, rented, leased or otherwise transferred firearm or feeding device  
1144 or ammunition, a legible entry in the on-site or electronic record must be made and kept  
1145 specifying:

1146 (i) the complete description of the firearm, feeding device and ammunition, including the  
1147 make, serial number, type of firearm and designation as a large capacity firearm, if applicable;

1148 (ii) whether the firearm, feeding device or ammunition has been sold, rented or leased  
1149 and the date of such transaction;

1150 (iii) the license or permit identification number of the person acquiring the firearm,  
1151 feeding device or ammunition along with their sex, residence address and occupation; and

1152 (iv) the purchaser, renter or lessee's name as personally written by said person in the  
1153 sales record book and as confirmed by valid state or federal identification.

1154 (d) Licensees shall, immediately upon notice of any loss or theft of a firearm or  
1155 ammunition from the licensee or licensee's business premises immediately report such loss or  
1156 theft to the department of criminal justice information services via the electronic firearms  
1157 registration system created pursuant to section 122.

1158 (e) A licensee may sell or transfer firearms, feeding devices and ammunition at any  
1159 regular meeting of an incorporated collectors club or at a gun show open to the general public;  
1160 provided, however, that all other provisions of this section are complied with and that such sale  
1161 or transfer is in conformity with both federal and Massachusetts law and regulations.

1162 (f) No licensee shall fill an order for any firearm, feeding device, or ammunition received  
1163 by mail, facsimile, telephone, internet or other telecommunication unless such transaction  
1164 includes the in-person presentation of the required license, permit or documentation as required  
1165 herein prior to any sale, delivery or any form of transfer or possession. Transactions between  
1166 federally licensed dealers are exempt from the provisions of this subsection.



1167 (g) Licensees shall ensure that all firearms and ammunition shall be promptly unloaded  
1168 when delivered and that delivery is only made to a person properly licensed, permitted or  
1169 exempted to possess the firearms or ammunition included in the delivery.

1170 (h) Any licensee, and any employee or agent of such a licensee who violates this section  
1171 shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment  
1172 for not less than 1 year nor more than 10 years, or by both such fine and imprisonment.

1173 (i) The department of state police shall enter, up to 1 time per calendar year, during  
1174 regular business hours, the business premises of any licensee, and shall make inquiries and  
1175 inspect the licensee's records, inventory, policies and procedures for the purpose of enforcing the  
1176 provisions of this section. Licensees found to be in violation of this section shall be subject to the  
1177 suspension or revocation of their license to sell. The department of the state police shall  
1178 promulgate rules and regulations to effectuate the purposes of this subsection. Nothing herein  
1179 shall prohibit any other law enforcement agency from conducting such inspections pursuant to a  
1180 valid search warrant issued by a court of competent jurisdiction.

1181 Section 125B. (a) A lawfully incorporated sporting or shooting club shall, upon  
1182 application, be licensed by the colonel of the state police or their designee to sell or supply  
1183 ammunition for regulated shooting on their premises, such as for skeet, target or trap shooting;  
1184 provided, however, that such club license shall, on behalf of said club, be issued to and exercised  
1185 by an officer or duly authorized member of the club who themselves possess a license to carry  
1186 firearms and who would not be disqualified to receive a license to sell in their own right. This  
1187 license is subject to the same terms, conditions and qualifications of a license to sell issued under  
1188 section 125.

1189 (b) The colonel of the state police may, after an investigation, grant a license to a club or  
1190 facility with an on-site shooting range or gallery, which club is incorporated under the laws of  
1191 the commonwealth a club license for the possession, storage and use of large capacity firearms  
1192 and ammunition therefor for use on the premises of the club; provided, however that not less  
1193 than 1 shareholder of the club shall be qualified and suitable to be issued a license; and provided  
1194 further, that such large capacity firearms and feeding devices may be used under the club license  
1195 only by a member that possesses a valid license to carry firearms issued pursuant to section 124,  
1196 or by such other person that the club permits while under the direct supervision of a certified  
1197 firearms safety instructor or club member who possesses a valid license to carry firearms.

1198 (c) The club shall:

1199 (i) not permit shooting at targets that depict human figures, human effigies, human  
1200 silhouettes or any human images thereof, except by public safety personnel performing in line  
1201 with their official duties;

1202 (ii) not allow the removal of any large capacity firearm from the premises except as  
1203 permitted by law in order to: (A) transfer to a licensed dealer; (B) transport to a licensed  
1204 gunsmith for repair; (C) transport to target, trap or skeet shoot on the premises of another club  
1205 incorporated under the laws of the commonwealth; (D) transport to attend an exhibition or  
1206 educational project or event that is sponsored by, conducted under the supervision of or approved  
1207 by a public law enforcement agency or a national or state recognized entity that promotes  
1208 proficiency in or education about semiautomatic weapons; (E) hunt pursuant to chapter 131; or  
1209 (F) surrender the firearm pursuant to section 121C;

1210 (iii) secure in a locked container as defined in section 121 and unload during any lawful  
1211 transport all large capacity firearms or feeding devices kept on the premises when not in use;

1212 (iv) annually file a report with the colonel of the state police and the commissioner of the  
1213 department of criminal justice information services listing all large capacity firearms and large  
1214 capacity feeding devices owned or possessed under the license; and

1215 (v) permit the colonel to inspect all firearms owned or possessed by the club upon request  
1216 during regular business hours.

1217 Section 125C. (a) No licensee under section 125 may sell, rent, lease or otherwise  
1218 transfer any firearm described in this section except to a business entity that is primarily a  
1219 firearm wholesaler, and such transfer must, by its terms, prohibit the purchaser from reselling  
1220 such firearm to a firearm retailer or consumer in the commonwealth. This section shall apply to:

1221 (i) A firearm that has a frame, barrel, cylinder, slide or breechblock that is composed of  
1222 (A) any metal having a melting point of less than 900 degrees Fahrenheit; (B) any metal having  
1223 an ultimate tensile strength of less than 55,000 pounds per square inch; or (C) any powdered  
1224 metal having a density of less than 7.5 grams per cubic centimeter. This clause shall not apply to  
1225 any make and model of a firearm for which a sample of 3 firearms in new condition all pass the  
1226 following test: each of the 3 samples shall fire 600 rounds, stopping every 100 rounds to tighten  
1227 any loose screws and to clean the gun if required by the cleaning schedule in the user manual,  
1228 and as needed to refill the empty magazine or cylinder to capacity before continuing. For any  
1229 firearm that is loaded in a manner other than via a detachable magazine, the tester shall also  
1230 pause every 50 rounds for ten minutes. The ammunition used shall be the type recommended by  
1231 the firearm manufacturer in its user manual or, if none is recommended, any standard of

1232 ammunition of the correct caliber in new condition. A firearm shall pass this test if it fires the  
1233 first 20 rounds without a malfunction, fires the full 600 rounds with not more than 6  
1234 malfunctions and completes the test without any crack or breakage of an operating part of the  
1235 firearm that does not increase the danger of injury to the user. For purposes of this clause  
1236 “malfunction” shall mean any failure to feed, chamber, fire, extract or eject a round or any  
1237 failure to accept or eject a magazine or any other failure which prevents the firearm, without  
1238 manual intervention beyond that needed for routine firing and periodic reloading, from firing the  
1239 chambered round or moving a new round into position so that the firearm is capable of firing the  
1240 new round properly. This shall not include a misfire caused by a faulty cartridge the primer of  
1241 which fails to detonate when properly struck by the firearm’s firing mechanism;

1242 (ii) A firearm that is prone to accidental discharge which, for purposes of this clause,  
1243 shall mean any make and model of firearm for which a sample of 5 firearms in new condition all  
1244 undergo, and none discharge during, the following test: each of the 5 sample firearms shall be:  
1245 (A) test loaded; (B) set so that the firearm is in a condition such that pulling the trigger and  
1246 taking any action that must simultaneously accompany the pulling of the trigger as part of the  
1247 firing procedure would fire the firearm; and (C) dropped onto a solid slab of concrete from a  
1248 height of one meter from each of the following positions: (1) normal firing position; (2) upside  
1249 down; (3) on grip; (4) on the muzzle; (5) on either side; and (6) on the exposed hammer or striker  
1250 or, if there is no exposed hammer or striker, the rearmost part of the firearm. If the firearm is  
1251 designed so that its hammer or striker may be set in other positions, each sample firearm shall be  
1252 tested as above with the hammer or striker in each such position but otherwise in such condition  
1253 that pulling the trigger, and taking any action that must simultaneously accompany the pulling of  
1254 the trigger as part of the firing procedure, would fire the firearm. Alternatively, the tester may

1255 use additional sample firearms of the same make and model, in a similar condition, for the test of  
1256 each of these hammer striker settings.

1257 (iii) A firearm that is prone to (A) firing more than once per pull of trigger; or (B)  
1258 explosion during firing.

1259 (iv) The firearm has a barrel less than 3 inches in length, unless the licensee discloses in  
1260 writing, prior to the transaction, to the prospective buyer, lessee or transferee the limitations of  
1261 the accuracy of the particular make and model of the subject firearm, by disclosing the make and  
1262 model's average group diameter test result at 7 yards, average group diameter test result at 14  
1263 yards and average group diameter test result at 21 yards. For purpose of this clause, "average  
1264 group diameter test result" shall mean the arithmetic mean of three separate trials, each  
1265 performed as follows on a different sample firearm in new condition of the make and model at  
1266 issue. Each firearm shall fire 5 rounds at a target from a set distance and the largest spread in  
1267 inches between the centers of any of the holes made in the test target shall be measured and  
1268 recorded. This procedure shall be repeated 2 more times on the firearm. The arithmetic mean of  
1269 each of the 3 recorded results shall be deemed the result of the trial for that particular sample  
1270 firearm. The ammunition used shall be the type recommended by the firearm manufacturer in its  
1271 user manual, if none is recommended, any standard ammunition of the correct caliber in new  
1272 condition.

1273 (b) This section shall not apply to (i) a firearm lawfully owned or possessed under a  
1274 license issued under this chapter on or before October 21, 1998; (ii) a stun gun; or (iii) a firearm  
1275 designated by the secretary of public safety, with the advice of the firearm control advisory  
1276 board, established pursuant to section 128, as a firearm solely designed and sold for formal target

1277 shooting competition or for Olympic shooting competition and listed on the rosters therefor  
1278 pursuant to section 128A.

1279 (c) Any licensee and any employee or agent of such a licensee who violates this section  
1280 shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment  
1281 for not less than one year nor more than 10 years, or by both such fine and imprisonment.

1282 SECTION 48. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1283 by striking out section 126 and inserting in place thereof the following 4 sections:-

1284 Section 126. (a) Any person applying for the issuance of a firearms license or permit  
1285 under sections 124 to 124B, inclusive, shall, in addition to the requirements set forth in this  
1286 chapter, submit to the licensing authority a basic firearms safety certificate; provided, however,  
1287 that a certificate issued under section 14 of chapter 131 evidencing satisfactory completion of a  
1288 hunter education course shall serve as a valid substitute for a basic firearms safety certificate  
1289 required under this section for the issuance of a long gun permit. Persons lawfully possessing a  
1290 firearm identification card or license to carry firearms on June 1, 1998, shall be exempt from the  
1291 provisions of this section upon expiration of such card or license and when applying for licensure  
1292 as required under this chapter. No application for the issuance of a long gun permit or license to  
1293 carry shall be accepted or processed by the licensing authority without such certificate attached  
1294 thereto; provided, however, that the provisions of this section shall not apply to (i) any officer,  
1295 agent or employee of the commonwealth or any state of the United States; (ii) any member of the  
1296 military or other service of any state or of the United States; (iii) any duly authorized law  
1297 enforcement officer, agent or employee of any municipality of the commonwealth; provided,  
1298 however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a

1299 competent authority to carry or possess the weapon so carried or possessed and is acting within  
1300 the scope of their duties.

1301 (b) The colonel of state police, in consultation with the municipal police training  
1302 committee, shall promulgate rules and regulations governing the issuance and form of basic  
1303 firearms safety certificates required by this section, including minimum requirements for course  
1304 curriculum and the contents of any written examination. The colonel shall create a written  
1305 examination and establish minimum requirements to pass said examination which shall be used  
1306 in all firearm safety courses or programs mandated under this section. The colonel shall further  
1307 certify certain persons as firearms safety instructors, certify safety course curriculum and  
1308 annually update and post on its website a list of approved instructors. Certification as a firearm  
1309 safety instructor shall be valid for a period of 10 years, unless sooner revoked by reason of  
1310 unsuitability, in the discretion of said colonel. The department of state police may impose a fee  
1311 of \$50 for initial issuance of such certification to offset the cost of certifying instructors. The fee  
1312 for certification renewal shall be \$10. Firearms safety instructors shall be any person certified by  
1313 a nationally recognized organization that fosters safety in firearms, or any other person in the  
1314 discretion of said colonel, to be competent to give instruction in a basic firearms safety course.  
1315 Applicants for certification as instructors under this section shall not be exempt from the  
1316 requirements of this chapter or any other law or regulation of the commonwealth or the United  
1317 States. Upon application to the colonel of state police, said colonel may, in their discretion,  
1318 certify as a firearms safety instructor any person who operates a firearms safety course or  
1319 program which provides in its curriculum: (a) the safe use, handling and storage of firearms; (b)  
1320 methods for securing and childproofing firearms; (c) the applicable laws relating to the  
1321 possession, transportation and storage of firearms; (d) knowledge of operation, potential dangers

1322 and basic competency in the ownership and use of firearms; (e) injury prevention and harm  
1323 reduction education; (f) active shooter and emergency response training; (g) applicable laws  
1324 relating to the use of force; (h) de-escalation and disengagement tactics; and (i) live firearms  
1325 training.

1326 (c) Any firearms safety instructor certified under this section may, in their discretion,  
1327 issue a basic firearms safety certificate to any person who successfully completes the  
1328 requirements of a basic firearms safety course approved by the colonel. No firearms safety  
1329 instructor shall issue or cause to be issued any basic firearms safety certificate to any person who  
1330 fails to meet minimum requirements of the prescribed course of study including, but not limited  
1331 to, demonstrated competency in the use of firearms through class participation, satisfactory  
1332 completion of the written examination as prescribed by the colonel and live firearms training.  
1333 Instructors certified under this section shall forward to the department of criminal justice  
1334 information services copies of basic firearms safety course certificates issued, which shall  
1335 include a certification of each person's satisfactory completion of the basic firearms safety  
1336 course and competency in the ownership and use of firearms. Upon receipt the department of  
1337 criminal justice information services shall forward a copy of such certificate to the participant.  
1338 Licensing authorities shall require a copy of such certificate to be provided concurrently with an  
1339 application for a firearms license or permit and may make inquiry to the department of criminal  
1340 justice information services to confirm the issuance to the applicant of a basic firearms safety  
1341 certificate.

1342 (d) Any person applying for licensure pursuant to this chapter who knowingly files or  
1343 submits a basic firearms safety certificate to a licensing authority which contains false  
1344 information shall be punished by a fine of not less than \$1,000 nor more than \$5,000 or by



1345 imprisonment for not more than 2 years in a house of correction, or by both such fine and  
1346 imprisonment.

1347 (e) Any firearms safety instructor who knowingly issues a basic firearms safety certificate  
1348 to a person who has not successfully completed a firearms safety course approved by the colonel  
1349 shall be punished by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for  
1350 not more than 2 years in a house of correction, or by both such fine and imprisonment.

1351 (f) The colonel of state police shall produce and distribute public service announcements  
1352 to encourage and educate the general public about: (i) safe storage and transportation of weapons  
1353 as outlined in sections 126B and 126C; and (ii) the importance of firearms safety education and  
1354 training, including information on places and classes that a person may attend to obtain firearms  
1355 safety education and training.

1356 Section 126A. (a) Licensing authorities shall participate in training seminars as  
1357 prescribed by the executive office of public safety and security which shall include, but shall not  
1358 be limited to, instruction on: (i) current laws, regulations and rules relating to this chapter; (ii)  
1359 licensing responsibilities; (iii) record keeping obligations; (iv) firearm surrender, registration and  
1360 tracing; and (v) electronic database use. Regulations prescribed by the executive office of public  
1361 safety and security may include penalties for non-compliance which may include review by the  
1362 Massachusetts Peace Officers Standards and Training (POST) Commission.

1363 (b) Any person making an application for the issuance of a license to sell or renewal  
1364 therefor under section 125 shall, in addition to the requirements set forth in this chapter,  
1365 complete a dealer training program developed and offered online by the executive office of

1366 public safety and security. No application for the issuance of a license to sell shall be accepted or  
1367 processed by the licensing authority without a certification of program completion.

1368 (c) The curriculum for the dealer training program shall include (i) uniform standards of  
1369 security for business premises, (ii) employee background check and training requirements, and  
1370 (iii) information on requirements and conditions contained in sections 122 to 130E, inclusive,  
1371 and other laws the executive office, in their discretion, deems relevant.

1372 (d) The executive office of public safety and security shall promulgate rules and  
1373 regulations in accordance with this section.

1374 Section 126B. (a) No person shall possess a loaded firearm under a license or permit  
1375 issued under sections 124 to 125B, inclusive, or through an exemption under sections 127 or  
1376 127A, in a vehicle unless the firearm is under the direct control of the person. Whoever violates  
1377 this subsection shall be punished by a fine of \$500.

1378 (b) No person shall possess a large capacity firearm or machine gun under a license or  
1379 permit issued under sections 124 to 125B, inclusive, or through an exemption under sections 127  
1380 or 127A, in a vehicle unless it is unloaded and secured in a locked container as defined in section  
1381 121. Whoever violates this subsection shall be punished by a fine of not less than \$500 nor more  
1382 than \$5,000.

1383 (c) This section shall not apply to: (i) an officer, agent or employee of the  
1384 commonwealth, any state or the United States; (ii) a member of the military or other service of  
1385 any state or of the United States; (iii) a duly authorized law enforcement officer, agent or  
1386 employee of a municipality of the commonwealth; provided, however, that a person described in

1387 clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the  
1388 weapon so carried or possessed and is acting within the scope of the person's official duties.

1389 (d) A conviction of a violation of this section shall be reported immediately by the court  
1390 or magistrate to the issuing licensing authority. The licensing authority shall immediately revoke  
1391 the license or permit of the person convicted of a violation of this section. No new license or  
1392 permit may be issued to a person convicted of a violation of this section until 1 year after the  
1393 date of revocation of the license or permit.

1394 Section 126C. (a) It shall be unlawful to store or keep any firearm in any place unless  
1395 such firearm is secured in a locked container as defined in section 121 or equipped with a  
1396 tamper-resistant mechanical lock or other safety device, properly engaged so as to render the  
1397 firearm inoperable by any person other than the owner or other lawfully authorized user. For  
1398 purposes of this section, such firearm shall not be deemed stored or kept if carried by or under  
1399 the direct control of the owner or other lawfully authorized user.

1400 (b) A violation of this section shall be punished, in the case of any firearm that is not a  
1401 large capacity firearm or a machine gun, by a fine of not less than \$1,000 nor more than \$7,500  
1402 or by imprisonment for not more than 1 ½ years or by both such fine and imprisonment and, in  
1403 the case of a large capacity firearm or machine gun, by a fine of not less than \$2,000 nor more  
1404 than \$15,000 or by imprisonment for not less than 1 ½ years nor more than 12 years or by both  
1405 such fine and imprisonment.

1406 (c) A violation of this section shall be punished, in the case of a common long gun that  
1407 was stored or kept in a place where a person younger than 18 years of age who does not possess  
1408 a valid long gun permit issued under section 124A may have access without committing an

1409 unforeseeable trespass, by a fine of not less than \$2,500 nor more than \$15,000 or by  
1410 imprisonment for not less than 1 ½ years nor more than 12 years or by both such fine and  
1411 imprisonment.

1412 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a  
1413 large capacity firearm or a semiautomatic firearm, or any other firearm that was stored or kept in  
1414 a place where a person younger than 18 years of age may have access without committing an  
1415 unforeseeable trespass, by a fine of not less than \$10,000 nor more than \$20,000 or by  
1416 imprisonment for not less than 4 years nor more than 15 years or by both such fine and  
1417 imprisonment.

1418 (e) A violation of this section shall be evidence of wanton or reckless conduct in any  
1419 criminal or civil proceeding if a person under the age of 18 who was not a trespasser or was a  
1420 foreseeable trespasser acquired access to a firearm, unless such person possessed a valid long  
1421 gun permit issued under section 124A and was permitted by law to possess such firearm, and  
1422 such access results in the personal injury to or the death of any person.

1423 SECTION 48. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1424 by striking out section 127 and inserting in place thereof the following 3 sections:-

1425 Section 127. (a) Possession of a firearm or ammunition for a particular purpose and  
1426 limited time without being duly licensed or permitted under sections 124 to 125B, inclusive, is  
1427 permitted by:

1428 (i) a person voluntarily surrendering the firearm or ammunition to a licensing authority  
1429 pursuant to section 123D or to the colonel of the state police pursuant to section 121C;

1430 (ii) a resident of the commonwealth returning after having been absent from the  
1431 commonwealth for not less than 180 consecutive days or any new resident moving to the  
1432 commonwealth, only with respect to any firearm or ammunition then in their possession prior to  
1433 moving or return, for 60 days after such return or entry into the commonwealth; or

1434 (iii) an heir or devisee upon the death of the legal owner of the firearm or ammunition for  
1435 not more than 60 days after said firearm or ammunition is transferred into their possession and  
1436 who shall also be permitted to sell or otherwise transfer said firearm or ammunition to a duly  
1437 licensed person within this time period pursuant to section 127B.

1438 (b) Possession of a firearm or ammunition while under direct supervision of an individual  
1439 licensed under section 124 to 125B, inclusive, and only for a particular purpose and limited time  
1440 without being duly licensed or permitted under said sections 124 to 125B, inclusive, is permitted  
1441 by:

1442 (i) a retail customer for the purpose of firing at duly licensed target concessions at  
1443 amusement parks, piers and similar locations; provided, that the firearms to be so used are firmly  
1444 chained or affixed to the counter and are under the direct supervision of a duly licensed or  
1445 permitted proprietor or employee thereof;

1446 (ii) a professional photographer or writer for examination purposes while in the pursuit of  
1447 their profession or during the course of any television, movie, stage or other similar theatrical  
1448 production; provided, however, that they are at all times under the immediate supervision of a  
1449 holder of a license to carry or, in the case of common long guns only, a long gun permit;

1450 (iii) a person within the course of any television, movie, stage or similar theatrical  
1451 production while under the immediate supervision of a person licensed to carry firearms and only  
1452 in regard to the possession of a firearm and blank ammunition; or

1453 (iv) a person in the presence of a holder of the necessary license or permit for the purpose  
1454 of examination, trial or instruction.

1455 (c) Common carriers and their duly authorized employees and agents, may possess non  
1456 large capacity firearms and ammunition therefor while performing the regular and ordinary  
1457 transport of firearms as merchandise for customers duly licensed to permit such transport so long  
1458 as they abide by all storage and transportation requirements set forth in section 126B and 126C.

1459 (d) Notwithstanding section 130E, banks or institutional lenders and their duly authorized  
1460 employees and agents, may possess and transfer non large capacity firearms and ammunition  
1461 therefor as collateral for a secured commercial transaction or as a result of a default thereof.

1462 (e) Other organizations and their duly authorized employees and agents, may purchase,  
1463 transfer and possess non large capacity firearms and ammunition therefor for a particular purpose  
1464 and limited time without being duly licensed or permitted under this chapter if they are a:

1465 (i) federally licensed firearms manufacturer or wholesale dealer or their employees or  
1466 agents may possess firearms and ammunition therefor when their possession is necessary for  
1467 manufacture, display, storage, transport, installation, inspection, or testing; or

1468 (ii) federal, state and local historical societies, museums, and institutional collections  
1469 open to the public may possess firearms and ammunition therefor, provided such firearms are

1470 unloaded and properly housed and secured from unauthorized handling and further provided that  
1471 the requirements for sales in section 127B are met, or

1472 (iii) a veteran's organization chartered by the congress of the United States, chartered by  
1473 the commonwealth or recognized as a nonprofit tax-exempt organization by the internal revenue  
1474 service and its members may possess firearms and ammunition therefore; provided, however,  
1475 that only unloaded large capacity rifles or shotguns or the same firearms when loaded with blank  
1476 cartridges which contain no projectile within the blank or the bore or chamber may be possessed  
1477 and provided that all possession by members is limited to when on official parade duty or  
1478 ceremonial occasions.

1479 (f) A person in the military or other service of any state or of the United States, and  
1480 police officers and other peace officers of any jurisdiction, may purchase, sell, or otherwise  
1481 transfer and possess non-large capacity firearms and ammunition therefor without being duly  
1482 licensed or permitted under this chapter while in the performance of their official duty or when  
1483 duly authorized to possess them by their employing agency; provided, however, that the  
1484 requirements for sales in section 127B are met. Upon purchase, a person exempted under this  
1485 subsection shall submit to the seller full and clear proof of identification, including shield  
1486 number, serial number, military or governmental order or authorization, military or other official  
1487 identification, as applicable.

1488 (g) A person may furnish a minor under the age of 18 with a firearm for hunting,  
1489 instruction, recreation and participation in shooting sports the appropriate firearms license or  
1490 permit, or a duly commissioned officer, noncommissioned officer or enlisted member of the

1491 United States army, navy, marine corps, air force or coast guard, or the national guard or military  
1492 service of the commonwealth or reserve components thereof, while in performance of their duty.

1493 (h) No license or permit under this chapter shall be required for a legal resident of the  
1494 commonwealth over the age of 18 to carry or possess:

1495 (1) a firearm known as a detonator and commonly used on vehicles as a signaling and  
1496 marking device and only when carried or possessed for such purposes; or

1497 (2) any device used exclusively for signaling or distress use and required or  
1498 recommended by the United States Coast Guard or the Interstate Commerce Commission, or for  
1499 the firing of stud cartridges, explosive rivets or similar industrial ammunition.

1500 (i) Nothing in this section shall supersede the firearm reporting, registration and  
1501 serialization requirements outlined in this chapter.

1502 Section 127A. (a) A nonresident who is at least 18 years of age may possess common  
1503 long guns and ammunition therefor for the purposes provided in subsection (b) if the nonresident  
1504 has a permit or license issued from their state of residence which has substantially similar  
1505 requirements to those of the commonwealth for a long gun permit as determined by the colonel  
1506 of the state police pursuant to paragraph (f).

1507 (b) A nonresident who is at least 18 years of age may also possess common long guns  
1508 and ammunition therefor: (i) to hunt during hunting season with a nonresident hunting license or  
1509 a hunting license or permit lawfully issued from their state of residence which has substantially  
1510 similar requirements to those in section 11 of chapter 131; (ii) while on a firing or shooting  
1511 range; (iii) while traveling in or through the commonwealth, provided that they are unloaded and



1512 secured in a locked container in accordance with sections 126B and 126C; or (iv) while at a  
1513 firearm showing or display organized by a regularly existing gun collectors' club or association.

1514 (c) A nonresident who is at least 18 years of age may possess a pistol or revolver in or  
1515 through the commonwealth for the purpose of taking part in a pistol or revolver competition or  
1516 attending any meeting or exhibition of any organized group of firearm collectors or for the  
1517 purpose of hunting; provided, that such person has a permit or license to carry firearms issued  
1518 from their state of residence which has substantially similar requirements to those of the  
1519 commonwealth for a license to carry as determined by the colonel of the state police pursuant to  
1520 paragraph (f); provided, however, that in the case of a person traveling in or through the  
1521 commonwealth for the purpose of hunting, they also have on their person a hunting or sporting  
1522 license issued by the commonwealth or by their destination state.

1523 (d) A nonresident may carry a firearm on their person while in a vehicle lawfully  
1524 traveling through the commonwealth, provided, however, that the firearm may not leave the  
1525 vehicle and if the firearm is outside its owner's direct control it must be stored in accordance  
1526 with sections 126B and 126C in the vehicle.

1527 (e) Police officers and other peace officers of any state, territory or jurisdiction within the  
1528 United States duly authorized to possess firearms by the laws thereof shall, for the purposes of  
1529 this section, be deemed to have a permit or license to carry firearms that are not assault-style  
1530 firearms, as described in this section.

1531 (f) The colonel of the state police shall determine those states with substantially similar  
1532 requirements to those of the commonwealth for a long gun permit, license to carry or hunting

1533 license and shall annually publish a list of those states whose requirements comply with this  
1534 section.

1535           Section 127B. (a) A person with a license to carry under section 124 may sell or transfer  
1536 firearms and ammunition therefor and a person with a long gun permit under section 124A may  
1537 sell or transfer common long guns and ammunition therefor to a person with a license to sell  
1538 issued under section 125, a federally licensed firearms dealer, or a federal, state or local  
1539 historical society, museum or institutional collection open to the public, without an annual limit  
1540 on transfers.

1541           (b) A person with a license to carry may sell or transfer firearms and ammunition therefor  
1542 and a person with a long gun permit may sell or transfer common long guns and ammunition  
1543 therefor; provided, however, that no more than 4 firearm transfers occur per calendar year, to:

1544           (i) a person with a license to carry under section 124;

1545           (ii) an exempted person if permitted under section 127 or 127A; and

1546           (iii) a person with a long gun permit under section 124A; provided, however, that for  
1547 transfers and purchases of firearms that are not common long guns, the transferee must also have  
1548 a valid permit to purchase under section 124C.

1549           (c) An heir or devisee upon the death of a firearm owner, a person in the military, police  
1550 officers and other peace officers, a veteran's organization and historical society, museums and  
1551 institutional collections open to the public may:

1552 (i) sell or transfer firearms and ammunition therefor, to a federally licensed firearms  
1553 dealer, or a federal, state or local historical society, museum or institutional collection open to  
1554 the public; and may:

1555 (ii) sell or transfer no more than 4 firearms and ammunition therefor per calendar year to:  
1556 (A) a person with a license to carry under section 124; (B) an exempted person under section 127  
1557 or 127A; or (C) to a person with a long gun permit under section 124A; provided, however, that  
1558 for transfers and purchases of firearms that are not common long guns, the transferee must also  
1559 have a valid permit to purchase under section 124C.

1560 (d) A person with a license to carry under section 124 may purchase or transfer firearms  
1561 and ammunition therefor from a dealer licensed under section 125 or a person permitted to sell  
1562 under section 127B.

1563 (e) A person with a long gun permit under section 124 who is over 18 years of age may  
1564 purchase or transfer common long guns and ammunition therefor from a dealer licensed under  
1565 section 125 or a person permitted to sell under section 127B; provided, however, that if the  
1566 permittee also holds a permit to purchase under section 124B the purchase or transfer of firearms  
1567 and ammunition may be permitted.

1568 (f) The holder of a permit to purchase under section 127B may purchase or transfer  
1569 firearms and ammunition from a dealer licensed under section 125; provided, however that the  
1570 permit-holder also holds a license or permit under sections 124 or 124B.

1571 (g) A bona fide collector of firearms may purchase a firearm that was not previously  
1572 owned or registered in the commonwealth from a dealer licensed under section 125 if it is a curio  
1573 or relic firearm as defined in section 121.

1574 (h) All purchases, sales or transfers of a firearm permitted under this section shall, prior  
1575 to or at the point of sale, be conducted over the electronic firearms registration system pursuant  
1576 to section 122. The department of criminal justice information services shall require each person  
1577 selling or transferring a firearm pursuant to this section to electronically provide, through the  
1578 portal, such information as is determined to be necessary to verify the identification of the seller  
1579 and purchaser and ensure that the sale or transfer complies with this section. Upon submission of  
1580 the required information, the portal shall automatically review such information and display a  
1581 message indicating whether the seller may proceed with the sale or transfer and shall provide any  
1582 further instructions for the seller as determined to be necessary by the department of criminal  
1583 justice information services. The electronic firearms registration system shall keep a record of  
1584 any sale or transfer conducted pursuant to this section and shall provide the seller and purchaser  
1585 with verification of such sale or transfer.

1586 SECTION 49. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1587 by striking out section 128 and inserting in place thereof the following section:-

1588 Section 128. There shall be a firearm control advisory board, within the executive office  
1589 of public safety and security, hereinafter referred to as the board, comprised of 7 members: the  
1590 director of the firearms record bureau within the department of criminal justice information  
1591 services or designee, who shall serve as chair; the attorney general or designee; 1 member  
1592 appointed by the speaker of the house of representatives; 1 member appointed by the president of  
1593 the senate; 2 members appointed by the governor, 1 of whom shall be a member of the gun  
1594 owners action league and 1 of whom shall be a police chief selected from a list of four chiefs  
1595 provided by the Massachusetts chiefs of police association; and the armorer of the department of  
1596 state police or designee.

1597           It shall be the responsibility of the board to advise the executive office of public safety  
1598 and security on matters relating to firearm control provisions of this chapter, including but not  
1599 limited to consulting with the executive office of public safety on the development of the  
1600 firearm rosters outlined in section 128A. The board shall also advise the executive office of  
1601 public safety and security on training needs and materials for licensing authorities and licensees.  
1602 The board shall serve without compensation; provided, however, that members shall be  
1603 reimbursed for any usual and customary expenses incurred in the performance of their duties.  
1604 The executive office of public safety and security in consultation with the board shall adopt  
1605 operating rules and procedures for its organization and activities.

1606           SECTION 50. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1607 by striking out section 128A and inserting in place thereof the following section:-

1608           Section 128A. The secretary of public safety and security shall, with the advice of the  
1609 firearm control advisory board established pursuant to section 128, compile and publish a roster  
1610 of assault-style firearms banned under section 128B and a roster of firearms approved for sale  
1611 and use in the commonwealth using the parameters set forth in section 125C. The secretary shall,  
1612 not less than three times annually, review, update, and publish the rosters online, and send a copy  
1613 to all persons licensed in the commonwealth pursuant to section 125. Licensing authorities shall  
1614 provide information on these rosters to all permitholders and licensees upon initial issuance and  
1615 every renewal.

1616           The secretary, with the advice of the firearm control advisory board, shall also compile  
1617 and publish a roster of firearms solely designed and sold for formal target shooting competitions

1618 or Olympic shooting competitions. The board shall, not less than biannually, review, update and  
1619 publish these rosters and make them available for distribution.

1620 The secretary may amend any roster upon their own initiative. A person may petition the  
1621 secretary to place a firearm on, or remove a firearm from, the roster, subject to the provisions of  
1622 this section. A petition to amend a roster shall be submitted in writing to the secretary, in the  
1623 form and manner prescribed by the secretary, and include reasons why the roster should be  
1624 amended. Upon receipt of a petition to amend a roster, the secretary shall, within 45 days, either  
1625 notify the petitioner that the petition is denied or modify the roster. An addition to the roster shall  
1626 be effective on the date it is published online by the board.

1627 SECTION 51. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1628 by striking out section 128B and inserting in place thereof the following 2 sections:-

1629 Section 128B. No person shall possess, own, offer for sale, sell or otherwise transfer in  
1630 the commonwealth or import into the commonwealth an assault-style firearm, or a large capacity  
1631 feeding device as defined in section 121.

1632 This section shall not apply to an assault-style firearm lawfully possessed within the  
1633 commonwealth on August 1, 2024, by an owner in possession of a license to carry issued under  
1634 section 124, or by a holder of a license to sell under section 125; provided, that the assault-style  
1635 firearm is registered serialized in accordance with sections 122 and 122A, respectively.

1636 This section shall not apply to large capacity feeding devices lawfully possessed on  
1637 September 13, 1994 only if such possession is: (i) on private property owned or legally  
1638 controlled by the person; (ii) on private property that is not open to the public with the express  
1639 permission of the owner or owner's authorized agent; (iii) while on the premises of a licensed

1640 firearms dealer or gunsmith for the purpose of lawful repair; (iv) at a licensed firing range or  
1641 sports shooting competition venue; or (v) while traveling to and from these locations; provided,  
1642 that the large capacity feeding device is stored unloaded and secured in a locked container in  
1643 accordance with section 126B and 126C. A person authorized under this chapter to possess a  
1644 large capacity feeding device may only transfer the device to an heir or devisee, a person  
1645 residing outside the commonwealth, or a licensed dealer.

1646           Whoever violates this section shall be punished, for a first offense, by a fine of not less  
1647 than \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more than 10  
1648 years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than  
1649 \$5,000 nor more than \$15,000 or by imprisonment for not less than 5 years nor more than 15  
1650 years, or by both such fine and imprisonment.

1651           This section shall not apply to transfer or possession by: (i) qualified law enforcement  
1652 officers and qualified retired law enforcement officers as defined in the Law Enforcement  
1653 Officers Safety Act of 2004, 18 U.S.C. sections 926B and 926C, respectively, as amended; (ii) a  
1654 federal, state or local law enforcement agency; or (iii) federally licensed manufacturers solely for  
1655 sale or transfer in another state or for export.

1656           Section 128C. No person shall knowingly possess, own, sell, offer for sale, transfer,  
1657 manufacture, assemble, repair or import any firearm capable of discharging a bullet or shot that  
1658 is a covert firearm, a deceptive firearm device, or an undetectable firearm all as defined in  
1659 section 121. Whoever violates this section shall be punished, for a first offense, by a fine of not  
1660 less than \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more  
1661 than 10 years, or by both such fine and imprisonment, and for a second offense, by a fine of not

1662 less than \$5,000 nor more than \$15,000 or by imprisonment for not less than 5 years nor more  
1663 than 15 years, or by both such fine and imprisonment.

1664 SECTION 52. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1665 by striking out section 129 and inserting in place thereof the following section:-

1666 Section 129. Any firearm sold within the commonwealth without a safety device  
1667 designed to prevent the discharge of such firearm by unauthorized users and approved by the  
1668 colonel of state police including, but not limited to, mechanical locks or devices designed to  
1669 recognize and authorize, or otherwise allow the firearm to be discharged only by its owner or  
1670 authorized user, by solenoid use-limitation devices, key activated or combination trigger or  
1671 handle locks, radio frequency tags, automated fingerprint identification systems or any other  
1672 biometric means, provided, that such device is commercially available, shall be defective and the  
1673 sale of such a firearm shall constitute a breach of warranty under section 2-314 of chapter 106  
1674 and an unfair or deceptive trade act or practice under section 2 of chapter 93A. Any entity  
1675 responsible for the manufacture, importation or sale as an inventory item or consumer good, both  
1676 as defined in section 9-102 of chapter 106, of such a firearm that does not include or incorporate  
1677 such a device shall be individually and jointly liable to any person who sustains personal injury  
1678 or property damage resulting from the failure to include or incorporate such a device. If death  
1679 results from such personal injury, such entities shall be liable in an amount including, but not  
1680 limited to, that provided under chapter 229. Contributory or comparative negligence shall not be  
1681 valid defenses to an action brought under this section in conjunction with section 2 of chapter  
1682 93A or section 2-314 of chapter 106 or both; provided, however, that nothing herein shall  
1683 prohibit such liable parties from maintaining an action for indemnification or contribution



1684 against each other or against the lawful owner or other authorized user of said firearm. Any  
1685 disclaimer, limit or waiver of the liability provided under this section shall be void.

1686 No entity responsible for the manufacture, importation or sale of such a firearm shall be  
1687 liable to any person for injuries caused by the discharge of such firearm that does not include or  
1688 incorporate a safety device as required under this section if such injuries were: (i) self-inflicted,  
1689 either intentionally or unintentionally, unless such injuries were self-inflicted by a person less  
1690 than 18 years of age; (ii) inflicted by the lawful owner or other authorized user of said firearm;  
1691 (iii) inflicted by any person in the lawful exercise of self-defense; or (iv) inflicted upon a co-  
1692 conspirator in the commission of a crime.

1693 This section shall not apply to any firearm distributed to an officer of any law  
1694 enforcement agency or any member of the armed forces of the United States or the organized  
1695 militia of the commonwealth; provided, however, that such person is authorized to acquire,  
1696 possess or carry such a firearm for the lawful performance of his official duties; and provided  
1697 further, that any such firearm so distributed is distributed solely for use in connection with such  
1698 duties.

1699 SECTION 53. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1700 inserting, after Section 129A, the following section:-

1701 Section 129B. (a) Whoever licensed under section 125 sells or furnishes a firearm or  
1702 ammunition therefor to any person without a firearms license or permit shall have their license to  
1703 sell revoked and shall not be entitled to apply for such license for 10 years from the date of such  
1704 revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by  
1705 imprisonment in a state prison for not more than 10 years or house of correction for not more

1706 than 2 ½ years or by both such fine and imprisonment; provided, however, that a valid permit to  
1707 purchase issued under section 124C may permit certain firearm transfers to persons over 18 years  
1708 of age.

1709 (b) Any person who, without being licensed under section 125 or exempt as provided  
1710 under this chapter sells, rents, leases or otherwise transfers a firearm, or is engaged in business as  
1711 a gunsmith, shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by  
1712 imprisonment for not less than 1 year nor more than 10 years, or by both such fine and  
1713 imprisonment.

1714 (c) Whoever not being licensed under section 125 or exempt as provided under this  
1715 chapter sells ammunition within the commonwealth shall be punished by a fine of not less than  
1716 \$500 nor more than \$1,000 dollars or by imprisonment for not less than 6 months nor more than  
1717 2 years.

1718 (d) A person who uses a license to carry firearms, a long gun permit or a permit to  
1719 purchase a firearm or ammunition for the unlawful use of another or for resale or transfer to an  
1720 unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 or  
1721 by imprisonment for not less than 2 ½ years nor more than 10 years in a state prison or by both  
1722 such fine and imprisonment. A conviction of this offense shall be immediately reported by the  
1723 court to the licensing authority that issued the license or permit. Said licensing authority shall  
1724 immediately revoke the license or permit pursuant to section 123C and no license or permit shall  
1725 be issued to a person so convicted within 2 years after the date of the revocation of the license or  
1726 permit.

1727 (e) Evidence that a person sold or attempted to sell a machine gun shall constitute prima  
1728 facie evidence that such person is engaged in the business of selling machine guns.

1729 SECTION 54. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1730 by striking out section 130 and inserting in place thereof the following section:-

1731 Section 130. A certificate by a ballistics expert of the department of the state police or of  
1732 the city of Boston of the result of an examination made by the expert of an item furnished to the  
1733 expert by any police officer, signed and sworn to by such expert, shall be prima facie evidence of  
1734 the expert's findings as to whether or not the item furnished is a firearm ammunition; provided  
1735 that in order to qualify as an expert under this section the expert shall have previously qualified  
1736 as an expert in a court proceeding.

1737 SECTION 55. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1738 by inserting after section 130A the following 4 sections:-

1739 Section 130B. If there is exposed from, maintained in or permitted to remain on any  
1740 vehicle or premises any placard, sign or advertisement purporting or designed to announce that  
1741 firearms are kept in or upon such vehicle or premises or that an occupant of any vehicle or  
1742 premises is a gunsmith, it shall be prima facie evidence that firearms are kept in or upon such  
1743 vehicle or premises for sale or that the occupant is engaged in business as a gunsmith.

1744

1745 Section 130C. Whoever falsely makes, alters, forges or counterfeits or procures or assists  
1746 another to falsely make, alter, forge or counterfeit any license or permit issued under sections  
1747 124 to 125B, inclusive, or whoever forges or without authority uses the signature, facsimile of

1748 the signature, or validating signature stamp of the licensing authority or its designee, or whoever  
1749 possesses, utters, publishes as true or in any way makes use of a falsely made, altered, forged or  
1750 counterfeited license or permit issued under sections 124 to 125B, inclusive, shall be punished by  
1751 imprisonment in a state prison for not more than 5 years or in a jail or house of correction for not  
1752 more than 2 years, or by a fine of not less than \$500, or both such fine and imprisonment.

1753           Section 130D. Whoever in purchasing, renting or otherwise procuring a firearm, feeding  
1754 device or ammunition in making application for any form of license or permit issued in  
1755 connection therewith, or in requesting that work be done by a gunsmith, gives a false or fictitious  
1756 name or address or knowingly offers or gives false information concerning the date or place of  
1757 birth, citizenship or residency status, occupation, or criminal record, shall for the first offense be  
1758 punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment for not more  
1759 than 1 year, or both; and for a second or subsequent offense, shall be punished by imprisonment  
1760 for not less than 2 ½ years nor more than 5 years in the state prison.

1761           Section 130E. Whoever loans money secured by mortgage, deposit or pledge of a firearm  
1762 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 1 year,  
1763 or by both; provided, however that nothing herein shall prohibit a bank or other institutional  
1764 lender from loaning money secured by a mortgage, deposit, or pledge of a firearm to a  
1765 manufacturer, wholesaler, or dealer of firearms. Subsection (g) of section 125A shall not be  
1766 applicable to any such mortgage, deposit or pledge unless or until the lender takes possession of  
1767 the collateral upon default or the collateral is removed from the premises of the debtor.

1768           SECTION 56. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1769 by striking out section 131 and inserting in place thereof the following section-

1770 Section 131. (a) A petitioner who believes that a person holding a firearms license or  
1771 permit may pose a risk of causing bodily injury to self or others may, on a form furnished by the  
1772 court and signed under the pains and penalties of perjury, file a petition in court.

1773 (b) A petition filed pursuant to this section shall:

1774 (i) state any relevant facts supporting the petition;

1775 (ii) identify the reasons why the petitioner believes that the respondent poses a risk of  
1776 causing bodily injury to self or others by having in the respondent's control, ownership or  
1777 possession a firearm or ammunition;

1778 (iii) identify the number, types and locations of any firearms or ammunition the petitioner  
1779 believes to be in the respondent's current control, ownership or possession;

1780 (iv) identify whether there is an abuse prevention order pursuant to chapter 209A, a  
1781 harassment prevention order pursuant to chapter 258E or an order similar to an abuse prevention  
1782 or harassment prevention order issued by another jurisdiction in effect against the respondent;  
1783 and

1784 (v) identify whether there is a pending lawsuit, complaint, petition or other legal action  
1785 between the parties to the petition.

1786 (c) No fees for filing or service of process may be charged by a court or any public  
1787 agency to a petitioner filing a petition pursuant to this section.

1788 (d) The petitioner's residential address, residential telephone number and workplace  
1789 name, address and telephone number, contained within the records of the court related to a  
1790 petition shall be confidential and withheld from public inspection, except by order of the court;

1791 provided, however, that the petitioner's residential address and workplace address shall appear on  
1792 the court order and shall be accessible to the respondent and the respondent's attorney unless the  
1793 petitioner specifically requests, and the court orders, that this information be withheld from the  
1794 order. All confidential portions of the records shall be accessible at all reasonable times to the  
1795 petitioner and the petitioner's attorney, the licensing authority of the municipality where the  
1796 respondent resides and to law enforcement officers, if such access is necessary in the  
1797 performance of their official duties. Such confidential portions of the court records shall not be  
1798 deemed to be public records under clause 26 of section 7 of chapter 4.

1799 (e) The court may order that any information in the petition or case record be impounded  
1800 in accordance with court rule.

1801 (f) Upon receipt of a petition under this section and if the petitioner is a family or  
1802 household member as defined in section 121, the clerk of the court shall provide to the petitioner  
1803 and respondent informational resources about: (i) crisis intervention; (ii) mental health; (iii)  
1804 substance use disorders; (iv) counseling services; and (v) the process to apply for a temporary  
1805 commitment under section 12 of chapter 123.

1806 SECTION 57. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1807 by striking out section 131A and inserting in place thereof the following section:

1808

1809 Section 131A. (a) The court shall, within 10 days of receipt of a petition pursuant to  
1810 section 131, conduct a hearing on the petition. Upon receipt of the petition, the court shall issue a  
1811 summons with the date, time and location of the hearing. The court shall direct a law  
1812 enforcement officer to personally serve a copy of the petition and the summons on the

1813 respondent or, if personal service by a law enforcement officer is not possible, the court may,  
1814 after a hearing, order that service be made by some other identified means reasonably calculated  
1815 to reach the respondent. Service shall be made not less than 7 days prior to the hearing.

1816 (b) Notwithstanding subsection (a), the court shall, within 2 days of receipt of a petition  
1817 made pursuant to section 131, conduct a hearing on the petition if the respondent files an  
1818 affidavit that a firearm or ammunition is required in the performance of the respondent's  
1819 employment.

1820 (c)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court finds by a  
1821 preponderance of the evidence that the respondent poses a risk of causing bodily injury to self or  
1822 others by having in the respondent's control, ownership or possession a firearm or ammunition,  
1823 the court shall grant the petition. If the respondent does not appear at the hearing pursuant to  
1824 subsection (a) or subsection (b), the court shall grant the petition upon a determination that the  
1825 petitioner has demonstrated by a preponderance of the evidence that the respondent poses such a  
1826 risk.

1827 (2) Upon granting a petition, the court shall issue an extreme risk protection order and  
1828 shall order the respondent to surrender any firearms licenses and permits and all firearms and  
1829 ammunition which the respondent then controls, owns or possesses to the licensing authority of  
1830 the municipality where the respondent resides. The court shall enter written findings as to the  
1831 basis of its order within 24 hours of granting the order. The court may modify, suspend or  
1832 terminate its order at any subsequent time upon motion by either party; provided, however, that  
1833 due notice shall be given to the respondent and petitioner, and the court shall hold a hearing on  
1834 said motion. When the petitioner's address is confidential to the respondent as provided in

1835 subsection (d) of section 131 and the respondent has filed a motion to modify the court's order,  
1836 the court shall be responsible for notifying the petitioner. In no event shall the court disclose any  
1837 such confidential address.

1838 (3) Not less than 30 calendar days prior to the expiration of an extreme risk protection  
1839 order, the court shall notify the petitioner at the best-known address of the scheduled expiration  
1840 of the order and that the petitioner may file a petition to renew the order pursuant to section 131.

1841 (d)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court has  
1842 probable cause to believe that the respondent has access to a firearm or ammunition, on their  
1843 person or in an identified place, and the respondent fails to surrender any firearms within 24  
1844 hours, the court shall issue a warrant identifying the property, naming or describing the person or  
1845 place to be searched, and commanding the appropriate law enforcement agency to search the  
1846 person of the respondent and any identified place and seize any firearm or ammunition found to  
1847 which the respondent would have access.

1848 (2) The court may issue additional warrants to seize firearms if the court determines there  
1849 is probable cause to believe that the respondent has retained, acquired, or gained access to a  
1850 firearm or ammunition while an order under this section remains in effect.

1851 (3) Upon execution of the extreme risk protection order warrant, the law enforcement  
1852 agency conducting the search shall issue a receipt identifying any firearm or ammunition seized.  
1853 The law enforcement agency shall provide a copy of the receipt to the respondent. The licensing  
1854 authority shall then, within 48 hours of the search, return the warrant to the court with the  
1855 original receipt. If the law enforcement agency executing the warrant and the licensing authority  
1856 for the municipality where the respondent resides are different, the law enforcement agency shall



1857 remit to the licensing authority a copy of the receipt along with any seized items, and shall file  
1858 with its warrant and receipt a certification signed by both the law enforcement agency and the  
1859 licensing authority that the seized items were delivered to and accepted by the licensing  
1860 authority. The licensing authority shall store the seized items with any items surrendered in  
1861 accordance with subsection (f).

1862 (e) Upon issuing an extreme risk protection order the clerk-magistrate of the court shall  
1863 transmit 2 certified copies of the order and 1 copy of the petition and summons forthwith to the  
1864 licensing authority of the municipality where the respondent resides which, unless otherwise  
1865 ordered by the court, shall serve a copy of the order and petition upon the respondent. If an  
1866 extreme risk protection order warrant has been issued, the court shall submit 2 certified copies of  
1867 the warrant, 1 copy of the petition and summons and 1 copy of the extreme risk protection order  
1868 to the appropriate law enforcement agency for execution. Licensing authorities and law  
1869 enforcement agencies shall establish adequate procedures to ensure that, when effecting service  
1870 upon a respondent or executing a warrant, a law enforcement officer shall, to the extent  
1871 practicable: (i) fully inform the respondent of the contents and terms of the order or warrant and  
1872 the available penalties for any violation of an order; and (ii) provide the respondent with  
1873 informational resources, including, but not limited to, a list of services relating to crisis  
1874 intervention, mental health, substance use disorders and counseling, and a list of interpreters, as  
1875 necessary, located within or near the court's jurisdiction. The chief justice of the trial court, in  
1876 consultation with the executive office of public safety and security, and the department of mental  
1877 health, shall annually update the informational resource guides required under this section.

1878 Each extreme risk protection order issued by the court shall contain the following  
1879 statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

1880 (f) Upon receipt of service of an extreme risk protection order, the licensing authority of  
1881 the municipality where the respondent resides shall immediately suspend the respondent's  
1882 firearms license or permit and shall immediately notify the respondent of said suspension.

1883 Upon receipt of service of an extreme risk protection order the respondent shall  
1884 immediately surrender their firearms license or permit and all firearms or ammunition in their  
1885 control, ownership or possession to the local licensing authority serving the order, in accordance  
1886 with section 123D; provided, however, that nothing in this section or in said section 123D shall  
1887 allow the respondent to: (i) transfer any firearms or ammunition required to be surrendered, or  
1888 surrendered, by the respondent to anyone other than a licensed dealer; or (ii) maintain control,  
1889 ownership or possession of any firearms or ammunition during the pendency of any appeal of an  
1890 extreme risk protection order; provided, however, that while the surrender of ownership pursuant  
1891 to an extreme risk protection order shall require the immediate surrender of any firearms license  
1892 or permit and all firearms or ammunition in the respondent's control or possession, it shall not  
1893 require the surrender of permanent ownership rights; and provided further that, notwithstanding  
1894 section 123D, if the licensing authority cannot reasonably ascertain a lawful owner of firearms or  
1895 ammunition surrendered pursuant to extreme risk protection order within 180 days of the  
1896 expiration or termination of the extreme risk protection order, the licensing authority may, in its  
1897 discretion, trade or dispose of surplus, donated, abandoned or junk firearms or ammunition to  
1898 properly licensed distributors or firearms dealers and the proceeds of such sale or transfer shall  
1899 be remitted or credited to the municipality in which the licensing authority presides to be used  
1900 for violence reduction or suicide prevention. A violation of this subsection shall be punishable by  
1901 a fine of not more than \$5,000 or by imprisonment for not more than 2 1/2 years in a house of  
1902 correction or by both such fine and imprisonment.

1903 (g) Upon receipt of a firearms license or permit and any firearms or ammunition  
1904 surrendered by a respondent pursuant to subsection (f) or seized pursuant to subsection (d), the  
1905 licensing authority taking possession of the firearms license or permit and firearms or  
1906 ammunition shall issue a receipt identifying any firearms license or permit and all firearms or  
1907 ammunition surrendered or seized and shall provide a copy of the receipt to the respondent. The  
1908 licensing authority shall, within 48 hours of the surrender or 48 hours of receipt after seizure, file  
1909 the receipt with the court.

1910 (h) If a person other than the respondent claims title to any firearms or ammunition  
1911 required to be surrendered, or seized pursuant to this section, and is determined by the licensing  
1912 authority to be the lawful owner of the firearms or ammunition, the firearms, feeding devices or  
1913 ammunition shall be returned to the person; provided, however, that: (i) the firearms or  
1914 ammunition are removed from the respondent's control, ownership or possession and the lawful  
1915 owner agrees to store the firearms or ammunition in a manner such that the respondent does not  
1916 have access to, or control of, the firearms or ammunition; and (ii) the firearms or ammunition are  
1917 not otherwise unlawfully possessed by the owner. A violation of this subsection shall be  
1918 punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2 1/2 years in  
1919 a house of correction or by both such fine and imprisonment.

1920 (i) Upon the expiration or termination of an extreme risk protection order, a licensing  
1921 authority holding any firearms or ammunition that have been surrendered or seized pursuant to  
1922 this section shall return any firearms license or permit and all firearms or ammunition requested  
1923 by a respondent only after the licensing authority of the municipality in which the respondent  
1924 resides confirms that the respondent is suitable for a firearms license or permit and to control,  
1925 own or possess firearms or ammunition under federal and state law.

1926 Not less than 7 days prior to the expiration of an extreme risk protection order, a  
1927 licensing authority holding any firearms or ammunition that have been surrendered pursuant to  
1928 this section shall notify the petitioner of the expiration of the extreme risk protection order and  
1929 the return of a firearms license or permit and the return of any firearms or ammunition to the  
1930 respondent.

1931 As soon as reasonably practicable after receiving notice of the termination of an extreme  
1932 risk protection order by the court, a licensing authority holding any firearms or ammunition that  
1933 have been surrendered pursuant to this section shall notify the petitioner of the termination of the  
1934 extreme risk protection order and the return of a firearms license or permit and the return of any  
1935 firearms or ammunition to the respondent.

1936 (j) A respondent who has surrendered a firearms license or permit and all firearms or  
1937 ammunition to a licensing authority, or who had any firearms or ammunition seized by a law  
1938 enforcement agency, and who does not wish to have the firearms license or permit or firearms or  
1939 ammunition returned or who is no longer eligible to control, own or possess firearms or  
1940 ammunition pursuant to this chapter or federal law, may sell or transfer title of the firearms or  
1941 ammunition to a licensed firearms dealer, notwithstanding the limits on private firearm transfers  
1942 in section 127B; provided, however, that the respondent shall not take physical possession of the  
1943 firearms or ammunition. The licensing authority may transfer possession of the firearms or  
1944 ammunition to a licensed dealer upon the dealer providing the licensing authority with written  
1945 proof of the sale or transfer of title of the firearms or ammunition from the respondent to the  
1946 dealer.

1947 (k) If the licensing authority cannot reasonably ascertain the lawful owner of any firearms  
1948 or ammunition surrendered or seized pursuant to this section within 180 days of the expiration or  
1949 termination of the order to surrender the firearms or ammunition the licensing authority may  
1950 dispose of the firearms or ammunition pursuant to section 123D.

1951 SECTION 58. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1952 by striking out section 131B and inserting in place thereof the following section:

1953 Section 131B. (a)(1) Upon the filing of a petition pursuant to section 131, the court may  
1954 issue an emergency extreme risk protection order without notice to the respondent and prior to  
1955 the hearing required pursuant to subsection (a) of section 131A if the court finds reasonable  
1956 cause to conclude that the respondent poses a risk of causing bodily injury to the respondent's  
1957 self or others by being in possession of a firearms license or permit or having in the respondent's  
1958 control, ownership or possession a firearm or ammunition.

1959 Upon issuance of an emergency extreme risk protection order pursuant to this section, the  
1960 clerk magistrate of the court shall notify the respondent pursuant to subsection (e) of section  
1961 131A. An order issued under this subsection shall expire 10 days after its issuance unless a  
1962 hearing is scheduled pursuant to subsection (a) or (b) of said section 131A or at the conclusion of  
1963 a hearing held pursuant to said subsection (a) or (b) of said section 131A unless a permanent  
1964 order is issued by the court pursuant to subsection (c)(2) of said section 131A.

1965 (2) Upon receipt of service of an extreme risk protection order pursuant to this section,  
1966 the respondent shall immediately surrender the respondent's firearms license or permit and all  
1967 firearms or ammunition to the licensing authority serving the order as provided in subsection (f)  
1968 of section 131A.

1969 (b)(1) If the court has probable cause to believe that the respondent has access to a  
1970 firearm or ammunition, on his or her person or in an identified place, the court shall concurrently  
1971 issue a warrant identifying the property, naming or describing the person or place to be searched,  
1972 and commanding the appropriate law enforcement agency to search the person of the respondent  
1973 and any identified place and seize any firearm or ammunition found to which the respondent  
1974 would have access.

1975 (2) The law enforcement agency shall conduct its search and manage any seized property  
1976 pursuant to (d)(3) of section 131A.

1977 (c) When the court is closed for business, a justice of the court may grant an emergency  
1978 extreme risk protection order if the court finds reasonable cause to conclude that the respondent  
1979 poses a risk of causing bodily injury to the respondent's self or others by being in possession of a  
1980 firearms license or by having in the respondent's control, ownership or possession of a firearm or  
1981 ammunition, and may issue an extreme risk protection order warrant upon probable cause that  
1982 the respondent has access to a firearm or ammunition, on their person or in an identified place. In  
1983 the discretion of the justice, such relief may be granted and communicated by telephone to the  
1984 licensing authority of the municipality where the respondent resides, which shall record such  
1985 order or warrant on a form of order or warrant promulgated for such use by the chief justice of  
1986 the trial court and shall deliver a copy of such order or warrant on the next court business day to  
1987 the clerk-magistrate of the court. If relief has been granted without the filing of a petition  
1988 pursuant to section 131, the petitioner shall appear in court on the next available court business  
1989 day to file a petition. An order or warrant issued under this subsection shall expire at the  
1990 conclusion of the next court business day after issuance unless a petitioner has filed a petition

1991 with the court pursuant to said section 131 and the court has issued an emergency extreme risk  
1992 protection order pursuant to subsection (a).

1993 SECTION 59. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
1994 by striking out section 131C and inserting in place thereof the following section:

1995 Section 131C. On the same day that an extreme risk protection order is issued pursuant to  
1996 section 131A or section 131B, the clerk magistrate of the court shall forward a copy of the order  
1997 to: (i) the licensing authority; (ii) the commissioner of probation; (iii) the department of criminal  
1998 justice information services, which shall transmit the report, pursuant to paragraph (h) of section  
1999 167A of chapter 6, to the Attorney General of the United States to be included in the National  
2000 Instant Criminal Background Check System; and (iv) any other federal or state computer-based  
2001 systems used by law enforcement or others to identify prohibited purchasers of firearms. Upon  
2002 the expiration or termination of an extreme risk protection order issued pursuant to said section  
2003 131A or said section 131B, the clerk magistrate of the court shall notify: (i) the licensing  
2004 authority; (ii) the commissioner of probation; (iii) the department of criminal justice information  
2005 services, which shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6,  
2006 to the Attorney General of the United States to be included in the National Instant Criminal  
2007 Background Check System; and (iv) any other federal or state computer-based systems used by  
2008 law enforcement or others to identify prohibited purchasers of firearms that the order has been  
2009 terminated or has expired.

2010 SECTION 60. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
2011 by striking out section 131E and inserting in place thereof the following sections:

2012           Section 131E. A person who files a petition for an extreme risk protection order, knowing  
2013 the information in the petition to be materially false or with an intent to harass the respondent,  
2014 shall be punished by a fine of not less than \$2,500 and not more than \$5,000 or by imprisonment  
2015 for not more than 2 1/2 years in the house of correction or by both such fine and imprisonment.

2016           SECTION 61. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
2017 by striking out section 131F and inserting in place thereof the following section:

2018           Section 131F. The chief justice of the trial court, in consultation with the chief justice of  
2019 the district court and the chief justice of the Boston municipal court, shall promulgate rules,  
2020 regulations and policies and shall develop and prepare instructions, brochures, petitions, forms  
2021 and other material required for the administration and enforcement of sections 131 to 131H,  
2022 inclusive, which shall be in such form and language to permit a petitioner to prepare and file a  
2023 petition pro se.

2024           SECTION 62. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
2025 by striking out section 131G and inserting in place thereof the following section:

2026           Section 131G. (a) Sections 131 to 131H, inclusive, shall not affect the ability of a law  
2027 enforcement officer to remove firearms or ammunition from any person or conduct any search  
2028 and seizure for firearms or ammunition pursuant to other lawful authority.

2029           (b) Nothing in sections 131 to 131H, inclusive, shall supersede or limit a licensing  
2030 authority's ability to suspend or revoke a license or permit that the licensing authority has issued  
2031 pursuant to other lawful authority.



2032 (c) Sections 131 to 131H, inclusive, shall not impose any duty on any family or  
2033 household member; licensed physician, registered nurse, licensed practical nurse, certified nurse  
2034 practitioner, certified clinical nurse specialist, certified psychiatric clinical nurse specialist,  
2035 licensed psychiatrist, licensed psychologist, licensed mental health counselor, licensed marriage  
2036 and family therapist, licensed independent clinical social worker, or licensed certified social  
2037 worker; principal or assistant principal of an elementary school or secondary school, or  
2038 administrator of a college or university; or (v) employer to file a petition, and the same shall not  
2039 be held criminally or civilly liable for failure to petition.

2040 (d) The supreme judicial court and the appeals court shall have concurrent jurisdiction to  
2041 review any proceedings had, determinations made, and orders or judgments entered in the court  
2042 pursuant to section 131A or section 131B. The supreme judicial court or the appeals court,  
2043 subject to section 13 of chapter 211A may by rule vary the procedure authorized or required for  
2044 such review upon a finding that the review by the court will thereby be made more simple,  
2045 speedy and effective.

2046 SECTION 63. Said chapter 140 of the General Laws, as so appearing, is hereby amended  
2047 by striking out section 131H and inserting in place thereof the following section:

2048 Section 131H. The court shall annually, not later than December 31, issue a report on the  
2049 use of extreme risk protective orders. The report shall be submitted to the executive office of  
2050 public safety and security, the chairs of the joint committee on public safety and homeland  
2051 security, the chairs of the joint committee on the judiciary, the chairs of the joint committee on  
2052 mental health substance use and recovery, and clerks of the senate and the house of  
2053 representatives. The report shall include, but shall not be limited to, the following information:

- 2054 (1) the number of extreme risk protective order petitions filed;
- 2055 (2) the number of extreme risk protective order petitions that lead to a respondent's  
2056 surrender pursuant to section 131A;
- 2057 (3) the number of extreme risk protective order petitions that are heard but not granted;
- 2058 (4) the number of emergency extreme risk protective order petitions filed;
- 2059 (5) the number of emergency extreme risk protective order petitions that lead to a  
2060 respondent's surrender pursuant to 131B;
- 2061 (6) the number of emergency extreme risk protective order petitions that are heard but not  
2062 granted;
- 2063 (7) the number of extreme risk protection order warrants issued;
- 2064 (8) the number of extreme risk protection order warrants that lead to the seizure of  
2065 firearms or ammunition;
- 2066 (9) a breakdown of the types of items surrendered (e.g., firearms license or permit,  
2067 firearm, or ammunition);
- 2068 (10) a breakdown of the types of items seized (e.g., firearm or ammunition);
- 2069 (11) the number of extreme risk protective order or emergency extreme risk protective  
2070 order petitions filed that are deemed to be fraudulent;
- 2071 (12) the number of instances in which a petition was found to be fraudulent and the  
2072 penalties received in each instance;

- 2073 (13) the race and ethnicity of the petitioner and respondent;
- 2074 (14) the gender and gender identity of the petitioner and respondent;
- 2075 (15) the data on the duration of extreme risk protection orders; and
- 2076 (16) the number of instances in which an order has been terminated or otherwise
- 2077 modified prior to its original expiration date.

2078 SECTION 64. Chapter 209A of the General Laws, as so appearing, is hereby amended by

2079 striking out section 3B and inserting in place thereof the following section:-

2080 Section 3B. Upon issuance of a temporary or emergency order under section 4 or 5 of this

2081 chapter, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger

2082 of abuse, order the immediate suspension and surrender of any license or permit issued pursuant

2083 to sections 124 to 125B, inclusive, of chapter 140 which the defendant may hold and order the

2084 defendant to surrender all firearms and ammunition which they then control, own or possess in

2085 accordance with this chapter and said chapter 140 and any firearms license or permit which the

2086 defendant may hold shall be surrendered to the appropriate law enforcement officials in

2087 accordance with this chapter and said chapter 140 and, said law enforcement official may store,

2088 transfer or otherwise dispose of any such firearms and ammunition in accordance section 123D

2089 of chapter 140; provided however, that nothing herein shall authorize the transfer of any firearms

2090 or ammunition surrendered by the defendant to anyone other than a licensed dealer. Notice of

2091 such suspension and ordered surrender shall be appended to the copy of abuse prevention order

2092 served on the defendant pursuant to section 7. Law enforcement officials, upon the service of

2093 said orders, shall immediately take possession of all firearms and ammunition, as well as any

2094 firearms license or permit in the control, ownership, or possession of said defendant. Any

2095 violation of such orders shall be punishable by a fine of not more than \$5,000, or by  
2096 imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and  
2097 imprisonment.

2098 Any defendant aggrieved by an order of surrender or suspension as described in the first  
2099 sentence of this section may petition the court which issued such suspension or surrender order  
2100 for a review of such action and such petition shall be heard no later than 10 court business days  
2101 after the receipt of the notice of the petition by the court. If said firearms license or permit has  
2102 been suspended upon the issuance of an order issued pursuant to section 4 or 5, said petition may  
2103 be heard contemporaneously with the hearing specified in the second sentence of the second  
2104 paragraph of section 4. Upon the filing of an affidavit by the defendant that a firearm or  
2105 ammunition is required in the performance of the defendant's employment, and upon a request  
2106 for an expedited hearing, the court shall order said hearing within 2 business days of receipt of  
2107 such affidavit and request but only on the issue of surrender and suspension pursuant to this  
2108 section.

2109 SECTION 65. Said chapter 209A of the General Laws, as so appearing, is hereby  
2110 amended by striking out section 3C and inserting in place thereof the following section:-

2111 Section 3C. Upon the continuation or modification of an order issued pursuant to section  
2112 4 or upon petition for review as described in section 3B, the court shall also order or continue to  
2113 order the immediate suspension and surrender of a defendant's firearms license or permit and the  
2114 surrender of all firearms and ammunition which such defendant then controls, owns or possesses  
2115 if the court makes a determination that the return of such firearms license or permit or firearms  
2116 or ammunition presents a likelihood of abuse to the plaintiff. A suspension and surrender order

2117 issued pursuant to this section shall continue so long as the restraining order to which it relates is  
2118 in effect; and, any law enforcement official to whom such firearm or ammunition is surrendered  
2119 may store, transfer or otherwise dispose of any such firearm or ammunition in accordance with  
2120 section 123D of chapter 140; provided, however, that nothing herein shall authorize the transfer  
2121 of any firearms or ammunition surrendered by the defendant to anyone other than a licensed  
2122 dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by  
2123 imprisonment for not more than 2 ½ years in a house of correction or by both such fine and  
2124 imprisonment.

2125 SECTION 66. Chapter 258E of the General Laws, as so appearing, is hereby amended by  
2126 inserting after section 4 the following sections:-

2127 Section 4A. Upon issuance of a temporary or emergency order under section 5 or 6 of  
2128 this chapter, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate  
2129 danger of harassment, order the immediate suspension and surrender of any firearms license or  
2130 permit which the defendant may hold and order the defendant to surrender all firearms and  
2131 ammunition which the defendant then controls, owns or possesses in accordance with this  
2132 chapter, and chapter 140 and any firearms license or permit which the defendant may hold shall  
2133 be surrendered to the appropriate law enforcement officials in accordance with this chapter, and  
2134 said chapter 140 and said law enforcement official may store, transfer or otherwise dispose of  
2135 any such firearms and ammunition in accordance with section 123D of chapter 140; provided  
2136 however, that nothing herein shall authorize the transfer of any firearms and ammunition  
2137 surrendered by the defendant to anyone other than a licensed dealer. Notice of such suspension  
2138 and ordered surrender shall be appended to the copy of the harassment prevention order served  
2139 on the defendant pursuant to section 9. Law enforcement officials, upon the service of said

2140 orders, shall immediately take possession of all firearms and ammunition, and any firearms  
2141 license or permit in the control, ownership, or possession of said defendant. Any violation of  
2142 such orders shall be punishable by a fine of not more than \$5,000, or by imprisonment for not  
2143 more than 2 ½ years in a house of correction, or by both such fine and imprisonment.

2144 Any defendant aggrieved by an order of surrender or suspension as described in the first  
2145 sentence of this section may petition the court which issued such suspension or surrender order  
2146 for a review of such action and such petition shall be heard no later than 10 court business days  
2147 after the receipt of the notice of the petition by the court. If said firearms license or permit has  
2148 been suspended upon the issuance of an order issued pursuant to section 5 or 6, said petition may  
2149 be heard contemporaneously with the hearing specified in the second sentence of the second  
2150 paragraph of section five. Upon the filing of an affidavit by the defendant that a firearm or  
2151 ammunition is required in the performance of the defendant's employment, and upon a request  
2152 for an expedited hearing, the court shall order said hearing within 2 business days of receipt of  
2153 such affidavit and request but only on the issue of surrender and suspension pursuant to this  
2154 section.

2155 Section 4B. Upon the continuation or modification of an order issued pursuant to section  
2156 5 or upon petition for review as described in section 4A, the court shall also order or continue to  
2157 order the immediate suspension and surrender of a defendant's firearms license or permit and the  
2158 surrender of all firearms and ammunition which such defendant then controls, owns or possesses  
2159 if the court makes a determination that the return of such firearms license or permit or firearms  
2160 and ammunition presents a likelihood of harassment to the plaintiff. A suspension and surrender  
2161 order issued pursuant to this section shall continue so long as the restraining order to which it  
2162 relates is in effect; and, any law enforcement official to whom such firearm or ammunition is

2163 surrendered may store, transfer or otherwise dispose of any such firearm or ammunition in  
2164 accordance with section 123D of chapter 140; provided, however, that nothing herein shall  
2165 authorize the transfer of any firearms or ammunition surrendered by the defendant to anyone  
2166 other than a licensed dealer. Any violation of such order shall be punishable by a fine of not  
2167 more than \$5,000 or by imprisonment for not more than 2 ½ years in a house of correction or by  
2168 both such fine and imprisonment.

2169           Section 4C. Upon an order for suspension or surrender issued pursuant to sections 4A or  
2170 4B, the court shall transmit a report containing the defendant's name and identifying information  
2171 and a statement describing the defendant's alleged conduct and relationship to the plaintiff to the  
2172 department of criminal justice information services. Upon the expiration, cancellation or  
2173 revocation of the order, the court shall transmit a report containing the defendant's name and  
2174 identifying information, a statement describing the defendant's alleged conduct and relationship  
2175 to the plaintiff and an explanation that the order is no longer current or valid, to the department  
2176 of criminal justice information services. Any report made pursuant to this section shall be  
2177 transmitted by the department of criminal justice information services, pursuant to paragraph (h)  
2178 of section 167A of chapter 6, to the attorney general of the United States to be included in the  
2179 National Instant Criminal Background Check System.

2180           SECTION 67. Section 15E of said chapter 265 of the General Laws, as so appearing, is  
2181 hereby amended by striking out, in lines 2 to 3, inclusive, the words “, large capacity weapon,  
2182 rifle, shotgun, sawed-off shotgun or machine gun”.

2183 SECTION 68. Section 15F of said chapter 265, as so appearing, is hereby amended by  
2184 striking out, in lines 2 to 3, inclusive, the words “, large capacity weapon, rifle, shotgun, sawed-  
2185 off shotgun or machine gun”.

2186 SECTION 69. Section 17 of said chapter 265, as so appearing, is hereby amended by  
2187 striking out, in lines 10 to 11, the words “shotgun, rifle, machine gun or assault weapon” and  
2188 inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

2189 SECTION 70. Said section 17 of said chapter 265, as so appearing, is hereby further  
2190 amended by striking out, in lines 13 to 14, the words “, shotgun, rifle, machine gun or assault  
2191 weapon”.

2192 SECTION 71. Section 18 of said chapter 265, as so appearing, is hereby amended by  
2193 striking out, in lines 5 to 6 and 30, each time they appear, the words “shotgun, rifle, machine gun  
2194 or assault weapon” and inserting in place thereof, in each instance, the following words:- as  
2195 defined in section 121 of chapter 140,.

2196 SECTION 72. Section 18A of said chapter 265, as so appearing, is hereby amended by  
2197 striking out, in line 8, the words “shotgun, rifle or assault weapon” and inserting in place thereof  
2198 the following words:- as defined in section 121 of chapter 140.

2199 SECTION 73. Section 18B of said chapter 265, as so appearing, is hereby amended by  
2200 striking out, in line 4, the words “rifle or shotgun” and insert in place thereof the following  
2201 words:- as defined in section 121 of chapter 140,.



2202 SECTION 74. Said section 18B of said chapter 265, as so appearing, is hereby amended  
2203 by striking out, in lines 6 to 7, inclusive, 18 to 19, inclusive, and 21, each time they appear, the  
2204 words “, rifle or shotgun”.

2205 SECTION 75. Said section 18B of said chapter 265, as so appearing, is hereby further  
2206 amended by striking out, in lines 7 and 22, each time it appears, the word “weapon” and inserting  
2207 in place thereof, in each instance, the following word:- firearm.

2208 SECTION 76. Said section 18B of said chapter 265, as so appearing, is hereby further  
2209 amended by striking out, in lines 14 to 15, the words “, rifle or shotgun including, but not limited  
2210 to, a large capacity weapon or machine gun”.

2211 SECTION 77. Section 21A of said chapter 265, as so appearing, is hereby amended by  
2212 striking out, in lines 14 to 15, inclusive, the words “rifle, shotgun, machine gun or assault  
2213 weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter  
2214 140.

2215 SECTION 78. Section 22 of said chapter 265, as so appearing, is hereby amended by  
2216 striking out, in lines 28 to 29, inclusive, the words “rifle, shotgun, machine gun or assault  
2217 weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter  
2218 140.

2219 SECTION 79. Section 24 of said chapter 265, as so appearing, is hereby amended by  
2220 striking out, in line 8, the words “rifle, shotgun, machine gun or assault weapon” and inserting in  
2221 place thereof the following words:- as defined in section 121 of chapter 140,.

2222 SECTION 80. Section 24B of said chapter 265, as so appearing, is hereby amended by  
2223 striking out, in line 9, the words “rifle, shotgun, machine gun or assault weapon” and inserting in  
2224 place thereof the following words:- as defined in section 121 of chapter 140,.

2225 SECTION 81. Section 26 of said chapter 265, as so appearing, is hereby amended by  
2226 striking out, in line 16, the words “rifle, shotgun, machine gun or assault weapon” and insert in  
2227 place thereof the following words:- as defined in section 121 of chapter 140,.

2228 SECTION 82. Said section 26 of said chapter 265, as so appearing, is hereby further  
2229 amended by striking out, in lines 22 to 23, the words “, rifle, shotgun, machine gun or assault  
2230 weapon”.

2231 SECTION 83. Section 39 of said chapter 265, as so appearing, is hereby amended by  
2232 striking out, in line 22, the words “rifle, shotgun, machine gun or assault weapon” and inserting  
2233 in place thereof the following words:- as defined in section 121 of chapter 140,.

2234 SECTION 84. Section 58 of said chapter 265 of the General Laws, as so appearing, is  
2235 hereby amended by striking out, in line 2, the word “weapon” and inserting in place thereof the  
2236 following word:- firearm.

2237 SECTION 85. Section 14 of chapter 266 of the General Laws, as so appearing, is hereby  
2238 amended by striking out, in line 10, the words “rifle, shotgun, machine gun or assault weapon”  
2239 and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

2240 SECTION 86. Section 17 of said chapter 266, as so appearing, is hereby amended by  
2241 striking out, in line 7, the words “rifle, shotgun, machine gun or assault weapon” and inserting in  
2242 place thereof the following words:- as defined in section 121 of chapter 140,.

2243 SECTION 87. Section 18 of said chapter 266, as so appearing, is hereby amended by  
2244 striking out, in lines 8 to 9, inclusive, the words “rifle, shotgun, machine gun, or assault weapon”  
2245 and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

2246 SECTION 88. Section 10 of said chapter 269, as so appearing, is hereby amended by  
2247 striking out subsection (a) and inserting in place thereof the following subsection:-

2248 (a)(1) Whoever, except as provided or exempted by statute, knowingly has in their  
2249 possession; or knowingly has under their control in a vehicle; a firearm that is not a common  
2250 long gun, loaded or unloaded, as defined in section 121 of chapter 140 without either:

2251 (i) being present in or on their residence or place of business; or

2252 (ii) having in effect a license to carry firearms under sections 124 or 124B of chapter 140;

2253 or

2254 (iii) having satisfied the conditions for exemption under sections 127 and 127A of

2255 chapter 140; or

2256 (iv) having complied as to possession of an air rifle or BB gun with the requirements

2257 imposed by section 12B shall be punished by imprisonment in the state prison for not less than 2

2258 ½ years nor more than 5 years, or for not less than 18 months nor more than 2 ½ years in a jail or

2259 house of correction.

2260 (2) Whoever, except as provided or exempted by statute, knowingly has in their

2261 possession; or knowingly has under control in a vehicle; a common long gun, loaded or

2262 unloaded, as defined in section 121 of chapter 140, without either:

2263 (i) being present in or on their residence or place of business; or

2264 (ii) having in effect a license to carry or permit authorizing the carry of common long  
2265 guns under sections 124 or 124B of chapter 140; or

2266 (iii) having satisfied the conditions for exemption under sections 127 and 127A of  
2267 chapter 140; or

2268 (iv) having complied as to possession of an air rifle or BB gun with the requirements  
2269 imposed by section 12B shall be punished by imprisonment in the state prison for not less than 2  
2270 ½ years nor more than 5 years, or for not less than 18 months nor more than 2 ½ years in a jail or  
2271 house of correction.

2272 (3) The sentence imposed on such person pursuant to paragraphs (1) and (2) shall not be  
2273 reduced to less than 18 months, nor suspended, nor shall any person convicted under this  
2274 subsection be eligible for probation, parole, work release, or furlough or receive any deduction  
2275 from their sentence for good conduct until they shall have served 18 months of such sentence;  
2276 provided, however, that the commissioner of correction may on the recommendation of the  
2277 warden, superintendent, or other person in charge of a correctional institution, grant to an  
2278 offender committed under this subsection a temporary release in the custody of an officer of such  
2279 institution for the following purposes only: to attend the funeral of a relative; to visit a critically  
2280 ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution.  
2281 Prosecutions commenced under this subsection shall neither be continued without a finding nor  
2282 placed on file.

2283 No person having in effect a license to carry firearms for any purpose, issued under  
2284 section 124 or section 124B of chapter 140 shall be deemed to be in violation of this section.

2285 Section 87 of chapter 276 shall not apply to any person 18 years of age or older, charged  
2286 with a violation of this subsection, or to any child between ages 14 and 18 so charged, if the  
2287 court is of the opinion that the interests of the public require that the person should be tried as an  
2288 adult for such offense instead of being dealt with as a child.

2289 The provisions of this subsection shall not affect the licensing requirements of section  
2290 124A of chapter 140 which require every person not otherwise duly licensed or exempted to  
2291 have been issued a long gun permit in order to possess a firearm in their residence or place of  
2292 business.

2293 SECTION 89. Said section 10 of said chapter 269, as so appearing, is hereby further  
2294 amended by striking out, in lines 98 to 99, inclusive, the words “section one hundred and thirty-  
2295 one” and inserting in place thereof the following figure:- of section124.

2296 SECTION 90. Said section 10 of said chapter 269, as so appearing, is hereby further  
2297 amended by striking out, in line 134, the words “, any rifle or shotgun” and inserting in place  
2298 thereof the following words:- any firearm.

2299 SECTION 91. Said section 10 of said chapter 269, as so appearing, is further amended by  
2300 striking out, in line 135 to 137, inclusive, the words “the requirement of a serial number, as  
2301 provided in section one hundred and twenty-nine B of chapter one hundred and forty” and  
2302 inserting in place thereof the following words: - the registration requirement, as provided in  
2303 section 122 of chapter 140.

2304 SECTION 92. Said section 10 of said chapter 269, as so appearing, is hereby further  
2305 amended by striking out, in lines 140 to 141, inclusive, 150, and 151 to152, inclusive, each time  
2306 they appear, the words “, rifle, shotgun”.

2307 SECTION 93. Said section 10 of said chapter 269, as so appearing, is hereby further  
2308 amended by striking out, in line 142, the figure “129C” and inserting in place thereof the  
2309 following figure:- 127B.

2310 SECTION 94. Said section 10 of said chapter 269, as so appearing, is hereby further  
2311 amended by striking out, in line 153, the words “129C of chapter 140 or section 131” and  
2312 inserting in place thereof the following figure:- 124.

2313 SECTION 95. Said section 10 of said section 269, as so appearing, is hereby further  
2314 amended by striking out subsection (i) and inserting in place thereof the following subsection:-

2315 (i) Whoever knowingly fails to deliver or surrender a revoked or suspended firearms  
2316 license or permit issued under sections 124 to 125B, inclusive, of chapter 140, or a firearm, as  
2317 provided in section 123D of chapter 140, unless an appeal is pending, shall be punished by  
2318 imprisonment in a jail or house of correction for not more than 2 ½ years or by a fine of not more  
2319 than \$1,000.

2320 SECTION 96. Said section 10 of said chapter 269, as so appearing, is hereby further  
2321 amended by striking out subsection (j) and inserting in place thereof the following subsection:-

2322 (j)(1) Whoever possesses a firearm, loaded or unloaded, as defined in section 121 of  
2323 chapter 140, in a prohibited area, and knows or reasonably should know such location is a  
2324 prohibited area, shall be punished by a fine of not more than \$1,000 or by imprisonment in the  
2325 house of correction for not more than 2 ½ years, or both such fine and imprisonment.

2326 (2) For the purposes of this subsection, “prohibited area” shall mean any of the following  
2327 locations:

2328 (i) a place owned, leased, or under the control of state, county or municipal government  
2329 and used for the purpose of government administration, judicial or court administrative  
2330 proceedings, or correctional services, including in or upon any part of the buildings, grounds, or  
2331 parking areas thereof;

2332 (ii) a location in use at the time of possession as a polling place or for the storage or  
2333 tabulation of ballots ;

2334 (iii) an elementary school, secondary school, college or university including transport  
2335 used for students of said institution, including in or upon any part of the buildings, grounds, or  
2336 parking areas thereof; and

2337 (iv) any private, residential dwelling of another, not held open to the public, unless the  
2338 person in possession of the firearm (A) has a valid firearms license or permit issued under  
2339 section 124 to 125B, inclusive, of chapter 140 and (B) has been given express authorization to  
2340 carry a firearm in said dwelling by the property owner or lessee, or an agent thereof; provided,  
2341 that express authorization shall be signified by unambiguous written or verbal authorization or  
2342 by the posting of clear and conspicuous signage on the building or the premises by the property  
2343 owner or lessee, or an agent thereof, indicating that possession of a firearm is authorized.

2344 (3) A law enforcement officer may arrest without a warrant and detain a person found in  
2345 violation of this subsection.

2346 (4) It shall be a defense to a violation of this subsection that a person with a license or  
2347 permit issued under sections 124 to 125B, inclusive, of chapter 140 securely stored the licensed  
2348 firearm in a vehicle while within the prohibited area in accordance with section 126B of chapter  
2349 140.

2350 (5) This section shall not apply to a law enforcement officer while in performance of their  
2351 official duties or to a security guard employed at the prohibited area while at the location of their  
2352 employment and during the course of their employment or to firearms possessed or stored at  
2353 prohibited locations listed in subsection (2)(iii) other than elementary schools if authorized by  
2354 the location with written notice to the state police.

2355 (6) Nothing in this subsection shall limit the enforceability of a provision in any private  
2356 rental or lease agreement restricting a party's or a tenant's possession or use of firearms on the  
2357 property or in the residential dwelling, the enforceability of a restrictive covenant restricting the  
2358 possession or use of firearms on the property or in the residential dwelling, or the authority of  
2359 any private entity, including but not limited to, any homeowners' association, community  
2360 association, planned community association, condominium association, cooperative, or any other  
2361 nongovernmental entity with covenants, bylaws or administrative rules, regulations or provisions  
2362 governing the use of private property, to restrict the possession or use of firearms on private  
2363 property.

2364 SECTION 97. Said section 10 of said chapter 269, as so appearing, is hereby further  
2365 amended by striking out, in line 196 and 226, each time it appears, the word "weapon" and  
2366 inserting in place thereof, in each instance, the following words:- firearm.

2367 SECTION 98. Said section 10 of said chapter 269, as so appearing, is hereby further  
2368 amended by striking out, in lines 197 to 198, inclusive, the words "131 or 131F" and inserting in  
2369 place thereof the following words:- 124 or 124B.

2370 SECTION 99. Said section 10 of said chapter 269, as so appearing, is hereby further  
2371 amended by striking out, in lines 201 and 204 to 205, inclusive, each time they appear, the words



2372 “firearm identification card” and inserting in place thereof, in each instance, the following  
2373 words:- long gun permit.

2374 SECTION 100. Said section 10 of said chapter 269, as so appearing, is hereby further  
2375 amended by striking out, in line 202, the word “129B” and inserting in place thereof the  
2376 following figure:- 124A.

2377 SECTION 101. Said section 10 of said chapter 269, as so appearing, is hereby further  
2378 amended by striking out, in line 240, the words “, loaded sawed-off shotgun or loaded machine  
2379 gun”.

2380 SECTION 102. Said section 10 of said chapter 269, as so appearing, is hereby further  
2381 amended by striking out the second paragraph of subsection (o) and inserting in place thereof the  
2382 following paragraph:-

2383 For purposes of this section, the terms “ammunition” and “firearm” shall have the same  
2384 meaning as those terms are defined in section 121 of chapter 140.

2385 SECTION 103. Section 10E of said chapter 269 of the General Laws, as so appearing, is  
2386 hereby amended by striking out, in lines 4 to 5, inclusive, the words “rifles shotguns, machines  
2387 guns, or any combination thereof,” and inserting in place thereof the following words:- as  
2388 defined in section 121 of chapter 140,.

2389 SECTION 104. Said section 10E of said chapter 269, as so appearing, is hereby further  
2390 amended by striking out, in line 6, the words “, rifles shotguns, machines guns, or any  
2391 combination thereof”.

2392 SECTION 105. Section 10F of said chapter 269 of the General Laws, as so appearing, is  
2393 hereby further amended by striking out, in lines 3 and 31, each time it appears, the word  
2394 “weapon” and inserting in place thereof, in each instance, the following word:- firearm.

2395 SECTION 106. Section 10H of said chapter 269 of the General Laws, as so appearing, is  
2396 hereby amended by striking out, in lines 2 to 3, inclusive, the phrase “section 131 or 131F of  
2397 chapter 140, carries on his person or has under his control” and inserting in place thereof the  
2398 following phrase:- section 124 or 124B of chapter 140, carries on their person or has under their  
2399 control.

2400 SECTION 107. Said section 10H of said chapter 269, as so appearing, is hereby further  
2401 amended by inserting, in line 4, after the figure “140,” the following words:- while with a  
2402 percentage, by weight, of alcohol in their blood of eight on-hundredths or greater, or.

2403 SECTION 108. Said chapter 269, as so appearing, is hereby amended by striking out  
2404 section 10I and inserting in place thereof the following section:-

2405 Section 10I. (a) Whoever transports a firearm, as defined in section 121 of chapter 140,  
2406 into the commonwealth to use for the commission of criminal activity shall be punished by  
2407 imprisonment for not less than 5 years nor more than 10 years.

2408 (b) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or  
2409 transfer possession of the firearm to a prohibited person, as defined in section 123 of chapter  
2410 140, shall be punished by imprisonment in the state prison for not less than 10 years nor more  
2411 than 20 years.

2412 (c) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or  
2413 transfer the firearm to a prohibited person, as defined in section 123 of chapter 140, and if the  
2414 firearm is subsequently used to cause the death of another, shall be punished by imprisonment in  
2415 the state prison for not less than 20 years.

2416 SECTION 109. Section 10J of said chapter 269 of the General Laws, as so appearing, is  
2417 hereby amended by striking out, in line 9, the figure “131” and inserting in place therefor the  
2418 following figure:- 123.

2419 SECTION 110. Section 10K of said chapter 269, as so appearing, is hereby amended by  
2420 striking out, in lines 9 to 10, inclusive, 15 to 16, inclusive, and 19, each time they appear, the  
2421 words “, rifle, shotgun, machine gun or ammunition” and inserting in place thereof, in each  
2422 instance, the following words:- or ammunition, as defined in section 121 of chapter 140.

2423 SECTION 111. Section 11 of said chapter 269, as so appearing, is hereby amended by  
2424 striking out, in line 4, the words “one hundred and thirty-one of chapter one hundred and forty”  
2425 and inserting in place thereof the following words:- 124 of chapter 140.

2426 SECTION 112. Said chapter 269, as so appearing, is hereby amended by striking out  
2427 section 11A and inserting in place thereof the following section:-

2428 Section 11A. For the purposes of sections 11A to 11C, inclusive, the terms “firearm”,  
2429 “serial number” and “untraceable firearm” shall have the same definition as section 121 of  
2430 chapter 140.

2431 SECTION 113. Section 11B of said chapter 269, as so appearing, is hereby amended by  
2432 striking out the first sentence and inserting in place thereof the following sentence:- Whoever,

2433 while in the commission or attempted commission of a felony, has in their possession or under  
2434 their control an untraceable firearm, shall be punished by imprisonment for not less than 2 ½  
2435 years.

2436 SECTION 114. Section 11C of said chapter 269, as so appearing, is hereby amended by  
2437 striking out the first sentence and inserting in place thereof the following sentence:-

2438 Whoever, by themselves or with another, creates an untraceable firearm, or knowingly  
2439 participates in the creation of an untraceable firearm or receives a firearm with knowledge that it  
2440 is untraceable, shall be punished by imprisonment for not less than 2 1/2 years.

2441 SECTION 115. Said section 11C of said chapter 269, as so appearing, is hereby further  
2442 amended by striking out, in lines 9 to 11, inclusive, the words “the serial number or identification  
2443 number of which has been removed, defaced, altered, obliterated or mutilated in any manner”  
2444 and inserting in place thereof the following words:- that is untraceable.

2445 SECTION 116. Said section 11C of said chapter 269, as so appearing, is hereby further  
2446 amended by striking out, in lines 14 to 15, inclusive, the words “whatever that such number had  
2447 been removed, defaced, altered, obliterated or mutilated” and inserting in place thereof the  
2448 following words:- that the firearm was untraceable.

2449 SECTION 117. Said section 11C of said chapter 269, as so appearing, is hereby further  
2450 amended by striking out, in lines 19 to 20, inclusive, the words “or other article”.

2451 SECTION 118. Section 11E of said chapter 269, as so appearing, is hereby repealed.

2452 SECTION 119. Section 12D of said chapter 269, as so appearing, is hereby amended by  
2453 striking, in line 30, the word “weapon” and inserting in place thereof the following word:-  
2454 firearm.

2455 SECTION 120. Said chapter 269, as so appearing, is hereby amended by striking out  
2456 section 12E and inserting in place thereof the following section:-

2457 Section 12E. Whoever discharges a firearm as defined in section 121 of chapter 140  
2458 within 500 feet of a dwelling or other building in use, except with the consent of the owner or  
2459 legal occupant thereof, shall be punished by a fine of not less than \$50 nor more than \$100 or by  
2460 imprisonment in a jail or house of correction for not more than 3 months, or both.

2461 This section shall not apply to (a) the lawful defense of life and property; (b) any law  
2462 enforcement officer acting in the discharge of their duties; or (c) the discharge of blank  
2463 cartridges for theatrical, athletic, ceremonial, firing squad or other purposes in accordance with  
2464 section 39 of chapter 148.

2465 This section shall not apply to a dwelling or building on the same property as (a) persons  
2466 using underground or indoor target or test ranges with the consent of the owner or legal occupant  
2467 thereof; (b) persons using outdoor skeet, trap, target or test ranges with the consent of the owner  
2468 or legal occupant of the land on which the range is established; or (c) persons using shooting  
2469 galleries, licensed and defined in section 56A of chapter 140. Nothing in this section shall  
2470 exempt any persons from compliance with noise control laws, regulations, ordinances or by-laws  
2471 in effect or from the prohibitions of section 58 of chapter 131.

2472 SECTION 121. Section 12F of said chapter 269, as so appearing, is hereby amended by  
2473 striking out, in lines 11 to 12, inclusive, the words “as defined in section 131J of chapter 140,

2474 any rifle, shotgun or”. SECTION 219. Said chapter 269, as so appearing, is hereby amended by  
2475 inserting after section 12F the following section -

2476           Section 12G. Whoever discharges a firearm as defined in section 121 of chapter 140, with  
2477 reckless disregard to striking a dwelling or other building in use, and as a result does strike such  
2478 dwelling or building, shall be punished by imprisonment in the house of correction for not more  
2479 than 2 ½ years, or in state prison for not more than 5 years. This section shall not apply to the  
2480 lawful defense of life or property or any law enforcement officer acting in the discharge of their  
2481 duties. This section shall not apply for dwellings or buildings within the property of: (a) persons  
2482 using underground or indoor target or test ranges with the consent of the owner or legal occupant  
2483 thereof; (b) persons using outdoor skeet, trap, target or test ranges with the consent of the owner  
2484 or legal occupant of the land on which the range is established; or (c) persons using shooting  
2485 galleries, licensed and defined in section 56A of chapter 140. Nothing in this section shall  
2486 exempt any persons from compliance with noise control laws, ordinances or by-laws in effect or  
2487 from the prohibitions of section 58 of chapter 131.

2488           SECTION 122. Section 14 of said chapter 269, as so appearing, is hereby amended by  
2489 striking out, in line 15, the words “rifle, shotgun, machine gun or assault weapon,”.

2490           SECTION 123. Section 58A of chapter 276 of the General Laws, as so appearing, is  
2491 hereby amended by striking out, in line 21, the words “weapon or machine gun” and inserting in  
2492 place thereof the following word:- firearm.

2493           SECTION 124. Said Section 58A of said chapter 276, as so appearing, is hereby further  
2494 amended by striking out, in line 28, the word “weapon” and inserting in place thereof the  
2495 following word:- firearm.

2496 SECTION 125. Section 100A of said chapter 276, as so appearing, is hereby amended by  
2497 striking out, in line 26, the figure “131H” and inserting in place thereof the following figure:-  
2498 130E.

2499 SECTION 126. Section 100J of said chapter 276, as so appearing, is hereby amended by  
2500 striking out, in line 17, the figure “131Q” and inserting in place thereof the following figure:-  
2501 130E.

2502 SECTION 127. Section 25 of chapter 279 of the General Laws, as so appearing, is hereby  
2503 amended by striking out, in lines 17 to 18, inclusive, the words “, shotgun, rifle, machine gun, or  
2504 assault weapon,” and inserting in place thereof the following words:- as defined in section 121 of  
2505 chapter 140.

2506 SECTION 128. (a) As used in this section, the following words shall, unless the context  
2507 clearly requires otherwise, have the following meanings:

2508 "Personalized firearm", a firearm manufactured with incorporated design technology or  
2509 converted with such technology so that it: (i) allows the firearm to be fired only by an authorized  
2510 user; or (ii) prevents any of the safety characteristics of the firearm from being readily  
2511 deactivated.

2512 “Microstamp”, a microscopic array of characters identifying the make, model, or serial  
2513 number of a firearm, etched or otherwise imprinted in 2 or more places on the interior surface or  
2514 the internal working parts of the firearm, that are transferred by imprinting on each cartridge case  
2515 when the firearm is fired.

2516 (b) Notwithstanding and general or special law to the contrary, there shall be established,  
2517 pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to  
2518 study and investigate emerging firearm technology.

2519 (c) The special legislative commission shall consist of 13 members: the chairs of the  
2520 joint committee on the judiciary or their designees, who shall serve as co-chairs; the secretary of  
2521 public safety and security or a designee; the colonel of the state police or a designee; 2 members  
2522 appointed by the speaker of the house of representatives; 2 members appointed by the president  
2523 of the senate; 1 member appointed by the minority leader of the house of representatives; 1  
2524 member appointed by the minority leader of the senate; 2 members appointed by the governor, 1  
2525 of whom shall be an expert in emerging firearm technologies; and 1 member appointed by the  
2526 National Shooting Sports Foundation, Inc.

2527 (d) The special legislative commission shall investigate and study the status, feasibility,  
2528 and utility of emerging firearm technologies, including but not limited to personalized firearm  
2529 technology and microstamp technology. The study shall include: (i) a review of existing and  
2530 developing personalized firearm and microstamp technologies; (ii) an investigation of the  
2531 accuracy, effectiveness and utility of personalized firearm and microstamp technologies; (iii) an  
2532 evaluation of the commercial availability of personalized firearm and microstamp technologies,  
2533 both in the production of new firearms and modification of existing firearms; (iv) an  
2534 investigation of the cost and impacts associated with requiring the use of personalized firearm or  
2535 microstamp technologies in the commonwealth; and (vi) evaluation of the feasibility and utility  
2536 of a personalized firearm technology tax incentive program.



2537 (e) The special legislative commission shall submit a report of its study and  
2538 recommendations, together with any legislative recommendations, to the clerks of the house of  
2539 representatives and the senate on or before September 30, 2024.

2540 SECTION 129. (a) Notwithstanding and general or special law to the contrary, there shall  
2541 be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative  
2542 commission to study the commonwealth's funding structure for violence prevention services.

2543 (b) The special legislative commission shall consist of 15 members: the chairs of the joint  
2544 committee on public safety and homeland security or their designees, who shall serve as co-  
2545 chairs; the secretary of public safety and security or a designee; the secretary of health and  
2546 human services or a designee; 2 members appointed by the speaker of the house of  
2547 representatives, 1 of whom shall be from an organization that has received a grant through the  
2548 Safe and Successful Youth Initiative; 2 members appointed by the president of the senate, 1 of  
2549 whom shall be from an organization that has received a grant through the Safe and Successful  
2550 Youth Initiative; 1 member appointed by the minority leader of the house of representatives; 1  
2551 member appointed by the minority leader of the senate; 1 member appointed by the governor  
2552 who shall be from an organization involved in early child education or development; 2 members  
2553 appointed by the Black and Latino legislative caucus; 1 member appointed by the Massachusetts  
2554 Association of School Superintendents, Inc.; 1 member appointed by the Massachusetts Health  
2555 and Hospital Association, Inc.

2556 (c) The special legislative commission shall: (i) examine and evaluate the existing  
2557 government funding structure for violence prevention services in the commonwealth, including  
2558 funding sources, initiatives and programs utilized, specific services funded, communities served,

2559 how funding decisions are made, and how service providers and programs are chosen; and (ii)  
2560 recommend changes to promote efficiency, transparency, accessibility, and utility with the  
2561 ultimate goal of enhancing violence prevention services and minimizing the disproportionate  
2562 impact of violence in historically impacted communities.

2563 (d) The special legislative commission shall submit a report of its study and  
2564 recommendations, together with any proposed legislation, to the clerks of the house of  
2565 representatives and the senate on or before September 30, 2024.

2566 SECTION 130. Any person in possession of a valid firearm identification card on the  
2567 effective date of this act may continue to possess common long guns under the terms and  
2568 conditions outlined for a long gun permit in chapter 140 of the General Laws until renewal of  
2569 said card is required.

2570 SECTION 131. The executive office of public safety and security shall notify all  
2571 individuals with licenses to carry and firearm identification cards on the effective date of this act  
2572 of the requirements under sections 122 and 122A of said chapter 140 not later than 6 months  
2573 after the effective date.

2574 SECTION 132. The department of criminal justice information services shall establish  
2575 the electronic registration system created pursuant to section 122 of said chapter 140 not later  
2576 than 6 months after the effective date of this act.

2577 SECTION 133. Regulations required by sections 122 and 122A of said chapter 140 shall  
2578 be promulgated not later than 6 months after the effective date of this act.

2579 SECTION 134. The department of criminal justice information services shall establish its  
2580 online dashboard and publish firearm data required by subsection (c) of section 122B of said  
2581 chapter 140 not later than 1 year after the effective date of this act.

2582 SECTION 135. Section 131P of said chapter 140 shall be repealed 1 year after the  
2583 effective date of this act.

2584 SECTION 136. Sections 122, 122A, 126 and 126A of said chapter 140 shall take effect 1  
2585 year after the effective date of this act.

2586 SECTION 137. Subsection (i) of section 125A of said chapter 140 shall take effect 18  
2587 months after the effective date of this act. Until such time, the licensing authority shall enter, 1  
2588 time per calendar year, during regular business hours, the business premises of any licensee, and  
2589 make inquiries and inspect the licensee's records, inventory, policies and procedures for the  
2590 purpose of enforcing the provisions of the General Laws. Licensees found to be in violation of  
2591 this chapter shall be subject to the suspension or revocation of their license to sell. Nothing  
2592 herein shall prohibit the enforcement from conducting such inspections pursuant to a valid search  
2593 warrant issued by a court of competent jurisdiction.

2594 SECTION 138. Subsection (d) of section 131A and subsections (b) and (c) of section  
2595 131B of said chapter 140 shall take effect 6 months after the effective date of this act.