

Massachusetts Annotated Laws

Current through Act 263 of the 2016 Legislative Session with the exception of Acts 133 and 260.

Office of the Attorney General

One Exchange Place
Worcester, MA 01608
Voice: (508) 792-7600
ago@ago.state.ma.us



Boston Field Division

10 Causeway Street, Suite 791
Boston, Massachusetts 02222
Voice: (617) 557-1200
<https://www.atf.gov/boston-field-division>



Table of Contents

PART I, TITLE XX, Chapter 140 Licenses

- § 121. Firearms.
- § 121A. Firearms – Certificate of Identification.
- § 122. Firearms – License to Sell.
- § 122A. Firearms – License to Sell – Records.
- § 122B. Firearms – License to Sell – Ammunition.
- § 123. *Firearms – License to Sell – Conditions. [Effective until January 1, 2021]
- § 123. *Firearms – License to Sell – Conditions. [Effective January 1, 2021]
- § 124. Firearms – License to Sell – Expiration.
- § 125. Firearms – License to Sell – Suspension or Revocation.
- § 126. Firearms – Sale – Evidence.
- § 127. Firearms – License to Sell – Transfer.
- § 128. Firearms – License to Sell – Violations.
- § 128A. Firearms – License to Sell – Violations – Exceptions.
- § 128B. Firearms – Purchase – Violations – Reports.
- § 129. Firearms – Purchase – Fraud.
- § 129B. Firearms – Purchase – Identification Card. [Effective until January 1, 2021]
- § 129B. Firearms – Purchase – Identification Card. [Effective January 1, 2021]
- § 129C. Firearms – Possession. [Effective until January 1, 2021]
- § 129C. Firearms – Possession. [Effective January 1, 2021]
- § 129D. Firearms – Identification Card – Surrender.
- § 130. Firearms – Prohibited Sales.
- § 130 1/2. Firearms – Prohibited Sales – Exceptions for Minors. [Effective January 1, 2021]
- § 130B. Firearm Licensing Review Board.
- § 131. License to Carry Firearm; Penalty for Violation. [Effective until January 1, 2021]
- § 131. Firearms – Possession – License to Carry. [Effective January 1, 2021]
- § 131 1/2. Gun Control Advisory Board.
- § 131 3/4. Roster of Large Capacity Rifles, Shotguns, Firearms, and Feeding Devices.
- § 131A. Firearms – Purchase – License to Purchase, Rent or Lease.
- § 131B. Firearms – Possession – Loans Secured by Firearms.
- § 131C. Firearms – Possession – License to Carry – Vehicles. [Effective until January 1, 2021]
- § 131C. Firearms – Possession – License to Carry – Vehicles. [Effective January 1, 2021]
- § 131E. Firearms – Purchase – Limitations. [Effective until January 1, 2021]
- § 131E. Firearms – Purchase – Limitations. [Effective January 1, 2021]
- § 131F. Firearms – Possession – License to Carry – Nonresidents and Noncitizens. [Effective until January 1, 2021]
- § 131F. Firearms – Possession – License to Carry – Nonresidents and Noncitizens. [Effective January 1, 2021]
- § 131F1/2. Firearms – Possession – License to Carry – Temporary.
- § 131G. Firearms – Possession – License to Carry – Nonresidents – Exceptions.
- § 131H. Firearms – Possession – License to Carry – Noncitizens – Penalties.
- § 131 I. Firearms – Possession – License to Carry – Fraud – Penalties.
- § 131K. Firearms – Safety Device – Liability.
- § 131L. Firearms – Storage.
- § 131M. Firearms – Assault Weapons.
- § 131N. Covert Weapons.
- § 131O. Firearms – Possession – Surrender Program.
- § 131P. Firearms Safety Courses; Persons Required to Complete Course; Issuance of Certificate; Certification of Instructors. [Effective until January 1, 2021]
- § 131P. Firearms – Identification Card – Safety Course. [Effective January 1, 2021]
- § 131Q. Firearms – Use in Criminal Act.

PART II, TITLE III, Chapter 209A Abuse Prevention

§ 3B. Suspension of Firearm License and Surrender of Firearms With Temporary or Emergency Order; Petition for Review.

§ 3C. Continuation or Modification of Firearm Suspension and Surrender Order. [Effective until January 1, 2021]

§ 3C. Continuation or Modification of Firearm Suspension and Surrender Order. [Effective January 1, 2021]

§ 3D. Firearm License Suspension and Surrender – Reporting.

PART IV, TITLE I, Chapter 269 Crimes against Public Peace

§ 10. Weapons – Dangerous Weapons – Unlawfully Carrying. [Effective until January 1, 2021]

§ 10. Weapons – Dangerous Weapons – Unlawfully Carrying. [Effective January 1, 2021]

§ 10A. Weapons – Silencers for Firearms.

§ 10E. Weapons – Unlawful Sale or Distribution of Multiple Firearms – Penalties.

§ 10F. Weapons – Illegal Sale of Large Capacity Weapons or Feeding Devices – Penalties.

§ 10H. Weapons – Possession of Firearms While Under the Influence of Alcohol or Drugs – Penalties.

§ 10I. Weapons – Transportation of Firearm into Commonwealth for Use in Criminal Activity – Penalties.

§ 10J. Weapons – Breaking and Entering to Steal Firearm – Penalties.

§ 10K. Weapons – Breaking and Entering in Firearm Retailer, Wholesaler or Manufacturer – Penalties.

§ 11A. Firearm ID Numbers – Definitions.

§ 11B. Firearm ID Numbers – Possession of Firearm with ID Defaced – Use During Felony.

§ 11C. Firearm ID Numbers – Defacing.

§ 11E. Firearm ID Numbers – Manufacturers and Dealers of Firearms.

§ 12A. Air Rifle or BB Gun – Furnishing to Minor.

§ 12B. Air Rifle or BB Gun – Possession by Minor.

§ 12D. Firearms – Carrying Loaded Rifle or Shotgun on Public Way.

§ 12E. Firearms – Discharge of Firearm Within Certain Distance of Building.

City of Boston Municipal Code

Cambridge, Massachusetts Municipal Code

City of Worcester

PART I Administration of the Government TITLE XX Public Safety and Good Order Chapter 140 Licenses

§ 121. Firearms. As used in §§ 122 to 131Q, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Ammunition", cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridges.

"Assault weapon", shall have the same meaning as a semiautomatic assault weapon as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. § 921(a)(30) as appearing in such section on September 13, 1994, and shall include, but not be limited to, any of the weapons, or copies or duplicates of the weapons, of any caliber, known as: **(i)** Avtomat Kalashnikov (AK) (all models); **(ii)** Action Arms Israeli Military Industries UZI and Galil; **(iii)** Beretta Ar70 (SC-70); **(iv)** Colt AR-15; **(v)** Fabrique National FN/FAL, FN/LAR and FNC; **(vi)** SWD M-10, M-11, M-11/9 and M-12; **(vi)** Steyr AUG; **(vii)** INTRATEC TEC-9, TEC-DC9 and TEC-22; and **(viii)** revolving cylinder shotguns, such as, or similar to, the Street Sweeper and Striker 12; provided, however, that the term assault weapon shall not include: **(i)** any of the weapons, or replicas or duplicates of such weapons, specified in appendix A to 18 U.S.C. § 922 as appearing in such appendix on September 13, 1994, as such weapons were manufactured on October 1, 1993; **(ii)** any weapon that is operated by manual bolt, pump, lever or slide action; **(iii)** any weapon that has been rendered permanently inoperable or otherwise rendered permanently unable to be designated a semiautomatic assault weapon; **(iv)** any weapon that was manufactured prior to the year 1899; **(v)** any weapon that is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable assault weapon; **(vi)** any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or **(vii)** any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

"Conviction", a finding or verdict of guilt or a plea of guilty, whether or not final sentence is imposed.

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

"Firearm", a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than 16 inches or 18 inches in the case of a shotgun as originally manufactured; provided, however, that the term firearm shall not include any weapon that is: **(i)** constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or **(ii)** not detectable as a weapon or

potential weapon by x-ray machines commonly used at airports or walk- through metal detectors.

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

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

"Large capacity feeding device", **(i)** a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than 5 shotgun shells; or **(ii)** a large capacity ammunition feeding device as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. § 921(a)(31) as appearing in such section on September 13, 1994. The term "large capacity feeding device" shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber ammunition.

"Large capacity weapon", any firearm, rifle or shotgun: **(i)** that is semiautomatic with a fixed large capacity feeding device; **(ii)** that is semiautomatic and capable of accepting, or readily modifiable to accept, any detachable large capacity feeding device; **(iii)** that employs a rotating cylinder capable of accepting more than 10 rounds of ammunition in a rifle or firearm and more than 5 shotgun shells in the case of a shotgun or firearm; or **(iv)** that is an assault weapon. The term "large capacity weapon" shall be a secondary designation and shall apply to a weapon in addition to its primary designation as a firearm, rifle or shotgun and shall not include: **(i)** any weapon that was manufactured in or prior to the year 1899; **(ii)** any weapon that operates by manual bolt, pump, lever or slide action; **(iii)** any weapon that is a single-shot weapon; **(iv)** any weapon that has been modified so as to render it permanently inoperable or otherwise rendered permanently unable to be designated a large capacity weapon; or **(v)** any weapon that is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable large capacity weapon.

"Length of barrel" or "barrel length", that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized and shall include the chamber.

"Licensing authority", the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

"Machine gun", a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, including a submachine gun.

"Purchase" and "sale" shall include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense.

"Rifle", a weapon having a rifled bore with a barrel length equal to or greater than 16 inches and capable of discharging a shot or bullet for each pull of the trigger.

"Sawed-off shotgun", any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon as modified has one or more barrels less than 18 inches in length or as modified has an overall length of less than 26 inches.

"Semiautomatic", capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and requiring a separate pull of the trigger to fire each cartridge.

"Shotgun", a weapon having a smooth bore with a barrel length equal to or greater than 18 inches with an overall length equal to or greater than 26 inches, and capable of discharging a shot or bullet for each pull of the trigger.

"Violent crime", shall mean any crime punishable by imprisonment for a term exceeding one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon that would be punishable by imprisonment for such term if committed by an adult, that: **(i)** has as an element the use, attempted use or threatened use of physical force or a deadly weapon against the person of another; **(ii)** is burglary, extortion, arson or kidnapping; **(iii)** involves the use of explosives; or **(iv)** otherwise involves conduct that presents a serious risk of physical injury to another.

"Weapon", any rifle, shotgun or firearm.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such licensing authority exists, any resident or applicant may apply for such license or firearm identification card directly to the colonel of state police and said colonel shall for this purpose be the licensing authority.

The provisions of §§ 122 to 129D, inclusive, and §§ 131, 131A, 131B and 131E shall not apply to:

- (A)** any firearm, rifle or shotgun manufactured in or prior to the year 1899;
- (B)** any replica of any firearm, rifle or shotgun described in clause (A) if such replica: (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and
- (C)** manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

§ 121A. Firearms – Certificate of Identification. A certificate by a ballistics expert of the department of the state police or of the city of Boston of the result of an examination made by him of an item furnished him by any police officer, signed and sworn to by such expert, shall be prima facie evidence of his findings as to whether or not the item furnished is a firearm, rifle, shotgun, machine gun, sawed off shotgun or ammunition, as defined by § 121, provided that in order to qualify as an expert under this section he shall have previously qualified as an expert in a court proceeding.

§ 122. Firearms – License to Sell. The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation into the criminal history of the applicant to determine eligibility for a license under this section, grant a license to any person except an alien, a minor, a person who has been adjudicated a youthful offender, as defined in § 52 of chapter 119, including those who have not received an adult sentence or a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machine guns, or to be in business as a gunsmith. Every license shall specify the street and number, of the building where the business is to be carried on, and the license shall not protect a licensee who carries on his business in any other place. The licensing authority to whom such application is made shall cause one copy of said applicant's fingerprints to be forwarded to the department of the state police, who shall within a reasonable time thereafter advise such authority in writing of any criminal record of the applicant. The taking of fingerprints shall not be required in issuing a renewal of a license, if the fingerprints of said applicant are on file with the department of the state police. The licensing authority to whom such application is made shall cause one copy of such application to be forwarded to the commissioner of the department of criminal justice information services. Any person refused a license under this section may within ten days thereafter apply to the colonel of state police for such license, who may direct that said licensing authorities grant said license, if, after a hearing, he is satisfied there were no reasonable grounds for the refusal to grant such license and that the applicant was not barred by the provisions of law from holding such a license. The fee for an application for a license issued under this section shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. A person licensed to sell, rent or lease firearms, rifles, shotguns or machine guns shall not be assessed any additional fee for a gunsmith's license. Whoever knowingly issues a license in violation of this section shall be punished by imprisonment for not less than 6 months nor more than 2 years in a jail or house of correction.

§ 122A. Firearms – License to Sell – Records. The licensing authority, under § 122, shall record all issued licenses in books, forms or electronic files kept for that purpose, and upon the granting of any such license or renewal thereof or renewal of an expired license shall send notice thereof to the department of criminal justice information services in a manner prescribed by the commissioner of the department of criminal justice information services; provided, however, that said executive director shall promulgate rules and regulations to ensure the prompt collection, exchange, dissemination, and distribution of such license information. The commissioner of the department of criminal justice information services, upon the application of the licensee, at a price not in excess of the cost thereof, shall furnish said licensee with the necessary sales record books to be kept by him as provided in § 123.

§ 122B. Firearms – License to Sell – Ammunition. No person shall sell ammunition in the commonwealth unless duly licensed. The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation into the criminal history of the applicant to determine eligibility to be licensed under this section, grant a license to any person, except an alien, a minor, a person who has been adjudicated a youthful offender, as defined in § 52 of chapter 119, including those who have not received an adult sentence or a person who has been convicted of a felony in any state or federal jurisdiction, or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell ammunition. Every license shall specify the street and number, if any, of the building where the business is to be carried on. The licensing authority to whom such application is made shall cause one copy of the application to be forwarded to the commissioner of the department of criminal justice information services, who shall within a reasonable time thereafter advise such authority in writing of any criminal record disqualifying the applicant. The fee for an application for a license to sell ammunition shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. The licensing authority to whom such application is made shall cause one copy of any approved application to be forwarded to the commissioner of the department of criminal justice information services.

Any lawfully incorporated sporting or shooting club shall, upon application, be licensed to sell or supply ammunition for regulated shooting on their premises, as for skeet, target or trap shooting; provided, however, that such club license shall, in behalf of said club, be issued to and exercised by an officer or duly authorized member of the club who himself possesses a firearm identification card or a license to carry a firearm and who would not be disqualified to receive a license to sell ammunition in his own right. The licensing authority may revoke or suspend a license to sell ammunition for violation of any provision of this chapter.

The secretary of the executive office of public safety may establish such rules and regulations as he may deem necessary to carry out the provisions of this section.

Any person refused a license under this section or once issued a license under this section has had said license suspended or revoked may obtain a judicial review of such refusal, suspension or revocation by filing within 30 days of such refusal, suspension or revocation a petition for review thereof in the district court having jurisdiction in the city or town in which the applicant filed for such license, and a justice of said court, after a hearing, may direct that a license be issued the applicant if satisfied there was no reasonable ground for refusing such license and that the applicant was not prohibited by law from holding the same.

Whoever not being licensed, as hereinbefore provided, sells ammunition within the commonwealth shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years.

§ 123. Firearms – License to Sell – Conditions. [Effective until January 1, 2021] A license granted under § 122 shall be expressed to be and shall be subject to the following conditions:–

First, That the provisions in regard to the nature of the license and the building in which the business may be carried on under it shall be strictly adhered to.

Second, That every licensee shall, before delivery of a firearm, rifle or shotgun, and designation as a large capacity weapon, if applicable, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of the department of criminal justice information services and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the sex, residence and occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name. Said book shall be open at all times to the inspection of the police.

Third, That the license or a copy thereof, certified by the official issuing the same, shall be displayed on the premises in a position where it can easily be read.

Fourth, That no firearm, rifle or shotgun, or machine gun shall be displayed in any outer window of said premises or in any other place where it can readily be seen from the outside.

Fifth, That the licensee shall submit a record of all sales, rentals and leases forthwith at the time of such sale, rental or lease via electronic communication link to the commissioner of the department of criminal justice information services.

Sixth, That every firearm, rifle or shotgun shall be unloaded when delivered.

Seventh, That no delivery of a firearm shall be made to any person not having a license to carry firearms issued under the provisions of § 131 nor shall any delivery of a rifle or shotgun or ammunition be made to any minor nor to any person not having a license to carry firearms issued under the provisions of § 131 or a firearm identification card issued under the provisions of § 129B nor shall any large capacity firearm or large capacity feeding device therefor be delivered to any person not having a Class A license to carry firearms issued under § 131 nor shall any large capacity rifle or shotgun or large capacity feeding device therefor be delivered to any person not having a Class A or Class B license to carry firearms issued under said § 131; provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of § 131A and a valid firearm identification card issued under § 129B may be made by the licensee to the purchaser's residence or place of business, subject to the restrictions imposed upon such permits as provided under § 131A.

Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then in force to purchase, rent or lease the same issued under § 131A, and a firearm identification card issued under the provisions of § 129B, or unless such person has a license to carry firearms issued under the provisions of § 131; nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card as provided for in § 129B, or has a license to carry firearms as provided in § 131; that no large capacity firearm nor large capacity feeding device therefor shall be sold, rented, leased or transferred to any person not having (i) a Class A license to carry firearms issued under § 131 or (ii) a proper permit issued under § 131A and a firearm identification card issued under § 129B; that no large capacity rifle or shotgun nor large capacity feeding device therefor shall be sold to any person not having a Class A or Class B license to carry firearms issued under said § 131; and that no machine gun shall be sold, rented or leased to any person who has not a license to possess the same issued under § 131.

Ninth, That upon the sale, rental or lease of a firearm, subject to a permit to purchase issued under the provisions of § 131A, the licensee under § 122 shall take up such permit to purchase and shall endorse upon it the date and place of said sale, rental or lease, and shall transmit the same to the executive director of the criminal history systems board; and that upon the sale, rental or lease of a machine gun shall endorse upon the license to possess the same the date and place of said sale, rental or lease, and shall within 7 days transmit a notice thereof to said executive director. In case of a sale under the provisions of § 131E the licensee under § 122 shall write in the sales record book the number of the license to carry firearms issued the purchaser under the provisions of § 131, or the number of the firearm identification card issued the purchaser under the provisions of § 129B, whichever is applicable under the provisions of condition Eighth of this section.

Tenth, That this license shall be subject to forfeiture as provided in § 125 for breach of any of its conditions, and that, if the licensee hereunder is convicted of a violation of any such conditions, this license shall thereupon become void.

Eleventh, That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. Such records shall be kept open for inspection by the police at all times.

Twelfth, That any licensee shall keep records of each sale, rental or lease of a rifle or shotgun, specifying the description of said rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction.

Thirteenth, That the current validity of any firearm identification card, license to carry firearms or permit to purchase, rent or lease firearms presented, and that the person presenting said card, license or permit is the lawful holder thereof, shall

be verified by the licensee prior to any sale, rental or lease of a rifle, shotgun, firearm or large capacity feeding device; and, upon being presented with such card or license that is expired, suspended or revoked, the licensee shall notify the licensing authority of the presentment of such expired, suspended or revoked card, license or permit; and further, the licensee may take possession of such card or license provided that, in such case, such licensee shall: **(i)** issue a receipt, in a form provided by the commissioner of the department of criminal justice information services, to the holder thereof which shall state that the holder's card or license is expired, suspended or revoked, was taken by such licensee and forwarded to the licensing authority by whom it was issued and such receipt shall be valid for the date of issuance for the purpose of providing immunity from prosecution under § 10 of chapter 269 for unlawfully possessing a firearm, rifle or shotgun or large capacity weapon; **(ii)** notify the cardholder or licensee of his requirement to renew said card or license; and **(iii)** forward such expired card or license to the licensing authority forthwith; provided, however, that such licensee shall be immune from civil and criminal liability for good faith compliance with the provisions herein.

Fourteenth, That the licensee shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: "IT IS UNLAWFUL TO STORE OR KEEP A FIREARM, RIFLE, SHOTGUN OR MACHINE GUN IN ANY PLACE UNLESS THAT WEAPON IS EQUIPPED WITH A TAMPER-RESISTANT SAFETY DEVICE OR IS STORED OR KEPT IN A SECURELY LOCKED CONTAINER.", and that such licensee shall provide said warning, in writing, to the purchaser or transferee of any firearm, rifle, shotgun or machine gun in bold type not less than one-quarter inch in height, and further that the licensee shall conspicuously post and distribute at each purchase counter a notice providing information on suicide prevention developed and provided by the division on violence and injury prevention within the department of public health. The department of public health shall develop and make available on its website for download a sign providing the information on suicide prevention.

Fifteenth, That all licensees shall maintain a permanent place of business that is not a residence or dwelling wherein all transactions described in this section shall be conducted and wherein all records required to be kept under this section shall be so kept.

Sixteenth, That no licensee shall sell, lease, rent, transfer or deliver or offer for sale, lease, rent, transfer or delivery to any person any assault weapon or large capacity feeding device that was not otherwise lawfully possessed on September 13, 1994.

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

Eighteenth, That no licensee shall sell, rent, lease, transfer or deliver or offer for sale, lease, transfer or delivery any firearm, to any purchaser in the commonwealth unless such sale is to a business entity that is primarily a firearm wholesaler and the sale, by its terms, prohibits the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth if such firearm has a frame, barrel, cylinder, slide or breechblock that is composed of: **(i)** any metal having a melting point of less than 900 degrees Fahrenheit; **(ii)** any metal having an ultimate tensile strength of less than 55,000 pounds per square inch; or **(iii)** any powdered metal having a density of less than 7.5 grams per cubic centimeter. This clause shall not apply to any make and model of firearm for which a sample of 3 firearms in new condition all pass the following test: Each of the 3 samples shall fire 600 rounds, stopping every 100 rounds to tighten any loose screws and to clean the gun if required by the cleaning schedule in the user manual, and as needed to refill the empty magazine or cylinder to capacity before continuing. For any firearm that is loaded in a manner other than via a detachable magazine, the tester shall also pause every 50 rounds for ten minutes. The ammunition used shall be the type recommended by the firearm manufacturer in its user manual or, if none is recommended, any standard ammunition of the correct caliber in new condition. A firearm shall pass this test if it fires the first 20 rounds without a malfunction, fires the full 600 rounds with not more than 6 malfunctions and completes the test without any crack or breakage of an operating part of the firearm. The term "crack" or "breakage" shall not include a crack or breakage that does not increase the danger of injury to the user. For purposes of evaluating the results of this test, malfunction shall mean any failure to feed, chamber, fire, extract or eject a round or any failure to accept or eject a magazine or any other failure which prevents the firearm, without manual intervention beyond that needed for routine firing and periodic reloading, from firing the chambered round or moving a new round into position so that the firearm is capable of firing the new round properly. "Malfunction" shall not include a misfire caused by a faulty cartridge the primer of which fails to detonate when properly struck by the firearm's firing mechanism.

Nineteenth, That no licensee shall sell, rent, lease, transfer or deliver or offer for sale, lease, transfer or delivery any firearm to any purchaser in the commonwealth unless such sale is to a business entity that is primarily a firearms wholesaler, and the sale, by its terms, prohibits such purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth if such firearm is prone to accidental discharge which, for purposes of this clause, shall mean any make and model of firearm for which a sample of 5 firearms in new condition all undergo, and none discharge during, the following test: Each of the 5 sample firearms shall be: **(a)** test loaded; **(b)** set so that the firearm is in a condition such that pulling the trigger and taking any action that must simultaneously accompany the pulling of the trigger as part of the firing procedure would fire the handgun; and **(c)** dropped onto a solid slab of concrete from a height of one meter from each of the following positions: **(i)** normal firing position; **(ii)** upside down; **(iii)** on grip; **(iv)** on the muzzle; **(v)** on either side; and **(vi)** on the exposed hammer or striker or, if there is no exposed hammer or striker, the rearmost part of the firearm. If the firearm is designed so that its hammer or striker may be set in other positions, each sample firearm shall

be tested as above with the hammer or striker in each such position but otherwise in such condition that pulling the trigger, and taking any action that must simultaneously accompany the pulling of the trigger as part of the firing procedure, would fire the firearm. Alternatively, the tester may use additional sample firearms of the same make and model, in a similar condition, for the test of each of these hammer striker settings.

Twentieth, That no licensee shall sell, rent, lease, transfer or deliver or offer for sale, lease, transfer or delivery, any firearm to any purchaser in the commonwealth unless such sale is to a business entity that is primarily a firearm wholesaler, and the sale, by its terms, prohibits the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth if such firearm is prone to: **(i)** firing more than once per pull of the trigger; or **(ii)** explosion during firing.

Twenty-first, That no licensee shall sell, rent, lease, transfer or deliver or offer for sale, lease, transfer or delivery any firearm to any purchaser in the commonwealth unless such sale is to a business entity that is primarily a firearm wholesaler and the sale, by its terms, prohibits the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth if such firearm has a barrel less than 3 inches in length, unless the licensee discloses in writing, prior to the transaction, to the prospective buyer, lessee, deliverer or transferee the limitations of the accuracy of the particular make and model of the subject firearm, by disclosing the make and model's average group diameter test result at 7 yards, average group diameter test result at 14 yards and average group diameter test result at 21 yards. For purposes of this clause, "average group diameter test result" shall mean the arithmetic mean of 3 separate trials, each performed as follows on a different sample firearm in new condition of the make and model at issue. Each firearm shall fire 5 rounds at a target from a set distance and the largest spread in inches between the centers of any of the holes made in a test target shall be measured and recorded. This procedure shall be repeated 2 more times on the firearm. The arithmetic mean of each of the 3 recorded results shall be deemed the result of the trial for that particular sample firearm. The ammunition used shall be the type recommended by the firearm manufacturer in its user manual or, if none is recommended, any standard ammunition of the correct caliber in new condition. No licensee shall sell any rifle or shotgun, contrary to the provisions of § 130 or § 131E.

Clauses Eighteenth to Twenty-first, inclusive, of the first paragraph shall not apply to: **(i)** a firearm lawfully owned or possessed under a license issued under this chapter on or before October 21, 1998; **(ii)** a firearm designated by the secretary of public safety, with the advice of the gun control advisory board, established pursuant to § 131 1/2 of chapter 140, as a firearm solely designed and sold for formal target shooting competition; or **(iii)** a firearm designated by the secretary of public safety, with the advice of the gun control advisory board, established pursuant to § 131 1/2 of chapter 140, as a firearm or pistol solely designed and sold for Olympic shooting competition. The secretary of public safety shall compile lists, on a bi-annual basis, of firearms designated as "formal target shooting firearms" and "Olympic competition firearms" in accordance with this paragraph. Such lists shall be made available for distribution by the executive office of public safety and security.

No person licensed under the provisions of § 122 or § 122B shall sell, rent, lease, transfer or deliver any rifle, shotgun or firearm or ammunition or ammunition feeding device contrary to the provisions of § 130 or § 131E; and no such licensee shall sell, rent, lease, transfer or deliver any rifle, shotgun or firearm or ammunition or ammunition feeding device to any person who does not have in his possession the required firearm identification card or proof of exemption therefrom, license to carry firearms or permit to purchase, rent or lease firearms and who does not present such card, proof, license or permit to the licensee in person at the time of purchase, rental or lease. No person licensed under the provisions of § 122 or § 122B shall fill an order for such weapon, ammunition or ammunition feeding device that was received by mail, facsimile, telephone or other telecommunication unless such transaction or transfer includes the in-person presentation of the required card, proof, license or permit as required herein prior to any sale, delivery or any form of transfer of possession of the subject weapon, ammunition or ammunition feeding device. Transactions between persons licensed under § 122 or between federally licensed dealers shall be exempt from the provisions of this paragraph.

The licensing authority shall enter, one time per calendar year, during regular business hours, the commercial premises owned or leased by any licensee, wherein such records required to be maintained under this section are stored or maintained, and inspect, in a reasonable manner, such records and inventory for the purpose of enforcing the provisions of this section. If such records and inventory contain evidence of violations of this section, the inspecting officer shall produce and take possession of copies of such records and, in the event that the licensee subject to inspection does not possess copying equipment, the inspecting officer shall arrange to have copied, in a reasonable time and manner, such records that contain evidence of such violations and the costs for such copying shall be assessed against the owner of such records. Licensees found to be in violation of this section shall be subject to the suspension or permanent revocation of such license issued under § 122 and to the provisions of § 128. Nothing herein shall prohibit the licensing authority or the department of state police from conducting such inspections pursuant to a valid search warrant issued by a court of competent jurisdiction.

Notwithstanding the provisions of this section, a person licensed under the provisions of § 122, or § 122B, may sell or transfer firearms, rifles, shotguns, machine guns or ammunition at any regular meeting of an incorporated collectors club or at a gun show open to the general public; provided, however, that all other provisions of this section are complied with and that such sale or transfer is in conformity with federal law or regulations applicable to the transfer or sale of firearms, rifles, shotguns, machine guns or ammunition, including the restrictions imposed upon firearm identification cards issued under § 129B, licenses to carry firearms issued under § 131 and permits to purchase, lease or rent firearms issued under § 131A.

§ 123. Firearms – License to Sell – Conditions. [Effective January 1, 2021] A license granted under § 122 shall be expressed to be and shall be subject to the following conditions:— **First**, That the provisions in regard to the nature of the license and the building in which the business may be carried on under it shall be strictly adhered to. **Second**, That every licensee shall, before delivery of a firearm, rifle or shotgun, and designation as a large capacity weapon, if applicable, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of the department of criminal justice information services and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the sex, residence and occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name. Said book shall be open at all times to the inspection of the police. **Third**, That the license or a copy thereof, certified by the official issuing the same, shall be displayed on the premises in a position where it can easily be read. **Fourth**, That no firearm, rifle or shotgun, or machine gun shall be displayed in any outer window of said premises or in any other place where it can readily be seen from the outside. **Fifth**, That the licensee shall submit a record of all sales, rentals and leases forthwith at the time of such sale, rental or lease via electronic communication link to the commissioner of the department of criminal justice information services. **Sixth**, That every firearm, rifle or shotgun shall be unloaded when delivered. **Seventh**, That no delivery of a firearm shall be made to any person not having a license to carry firearms issued under the provisions of § 131 nor shall any delivery of a rifle or shotgun or ammunition be made to any minor nor to any person not having a license to carry firearms issued under the provisions of § 131 or a firearm identification card issued under the provisions of § 129B nor shall any large capacity firearm or large capacity feeding device therefor be delivered to any person not having a license to carry firearms issued under § 131 nor shall any large capacity rifle or shotgun or large capacity feeding device therefor be delivered to any person not having a license to carry firearms issued under said § 131; provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of § 131A and a valid firearm identification card issued under § 129B may be made by the licensee to the purchaser's residence or place of business, subject to the restrictions imposed upon such permits as provided under § 131A. **Eighth**, That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then in force to purchase, rent or lease the same issued under § 131A, and a firearm identification card issued under the provisions of § 129B, or unless such person has a license to carry firearms issued under the provisions of § 131; nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card as provided for in § 129B, or has a license to carry firearms as provided in § 131; that no large capacity firearm nor large capacity feeding device therefor shall be sold, rented, leased or transferred to any person not having (i) a license to carry firearms issued under § 131 or (ii) a proper permit issued under § 131A and a firearm identification card issued under § 129B; that no large capacity rifle or shotgun nor large capacity feeding device therefor shall be sold to any person not having a license to carry firearms issued under said § 131; and that no machine gun shall be sold, rented or leased to any person who has not a license to possess the same issued under § 131. **Ninth**, That upon the sale, rental or lease of a firearm, subject to a permit to purchase issued under the provisions of § 131A, the licensee under § 122 shall take up such permit to purchase and shall endorse upon it the date and place of said sale, rental or lease, and shall transmit the same to the executive director of the criminal history systems board; and that upon the sale, rental or lease of a machine gun shall endorse upon the license to possess the same the date and place of said sale, rental or lease, and shall within 7 days transmit a notice thereof to said executive director. In case of a sale under the provisions of § 131E the licensee under § 122 shall write in the sales record book the number of the license to carry firearms issued the purchaser under the provisions of § 131, or the number of the firearm identification card issued the purchaser under the provisions of § 129B, whichever is applicable under the provisions of condition Eighth of this section. **Tenth**, That this license shall be subject to forfeiture as provided in § 125 for breach of any of its conditions, and that, if the licensee hereunder is convicted of a violation of any such conditions, this license shall thereupon become void. **Eleventh**, That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. Such records shall be kept open for inspection by the police at all times. **Twelfth**, That any licensee shall keep records of each sale, rental or lease of a rifle or shotgun, specifying the description of said rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction. **Thirteenth**, That the current validity of any firearm identification card, license to carry firearms or permit to purchase, rent or lease firearms presented, and that the person presenting said card, license or permit is the lawful holder thereof, shall be verified by the licensee prior to any sale, rental or lease of a rifle, shotgun, firearm or large capacity feeding device; and, upon being presented with such card or license that is expired, suspended or revoked, the licensee shall notify the licensing authority of the presentment of such expired, suspended or revoked card, license or permit; and further, the licensee may take possession of such card or license provided that, in such case, such licensee shall: (i) issue a receipt, in a form provided by the commissioner of the department of criminal justice information services, to the holder thereof which shall state that the holder's card or license is expired, suspended or revoked, was taken by such licensee and forwarded to the licensing authority by whom it was issued and such receipt shall be valid for the date of issuance for the purpose of providing immunity from prosecution under § 10 of chapter 269 for unlawfully possessing a firearm, rifle or shotgun or large capacity weapon; (ii) notify the

cardholder or licensee of his requirement to renew said card or license; and **(iii)** forward such expired card or license to the licensing authority forthwith; provided, however, that such licensee shall be immune from civil and criminal liability for good faith compliance with the provisions herein. **Fourteenth**, That the licensee shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: "IT IS UNLAWFUL TO STORE OR KEEP A FIREARM, RIFLE, SHOTGUN OR MACHINE GUN IN ANY PLACE UNLESS THAT WEAPON IS EQUIPPED WITH A TAMPER-RESISTANT SAFETY DEVICE OR IS STORED OR KEPT IN A SECURELY LOCKED CONTAINER.", and that such licensee shall provide said warning, in writing, to the purchaser or transferee of any firearm, rifle, shotgun or machine gun in bold type not less than 1/4 inch in height, and further that the licensee shall conspicuously post and distribute at each purchase counter a notice providing information on suicide prevention developed and provided by the division on violence and injury prevention within the department of public health. The department of public health shall develop and make available on its website for download a sign providing the information on suicide prevention. **Fifteenth**, That all licensees shall maintain a permanent place of business that is not a residence or dwelling wherein all transactions described in this section shall be conducted and wherein all records required to be kept under this section shall be so kept. **Sixteenth**, That no licensee shall sell, lease, rent, transfer or deliver or offer for sale, lease, rent, transfer or delivery to any person any assault weapon or large capacity feeding device that was not otherwise lawfully possessed on September 13, 1994. **Seventeenth**, That any licensee from whom a rifle, shotgun, firearm or machine gun is lost or stolen shall report such loss or theft to the licensing authority and the executive director of the criminal history systems board forthwith. Such report shall include a complete description of the weapon, including the make, model, serial number and caliber and whether such weapon is a large capacity weapon. **Eighteenth**, That no licensee shall sell, rent, lease, transfer or deliver or offer for sale, lease, transfer or delivery any firearm, to any purchaser in the commonwealth unless such sale is to a business entity that is primarily a firearm wholesaler and the sale, by its terms, prohibits the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth if such firearm has a frame, barrel, cylinder, slide or breechblock that is composed of: **(i)** any metal having a melting point of less than 900 degrees Fahrenheit; **(ii)** any metal having an ultimate tensile strength of less than 55,000 pounds per square inch; or **(iii)** any powdered metal having a density of less than 7.5 grams per cubic centimeter. This clause shall not apply to any make and model of firearm for which a sample of 3 firearms in new condition all pass the following test: Each of the 3 samples shall fire 600 rounds, stopping every 100 rounds to tighten any loose screws and to clean the gun if required by the cleaning schedule in the user manual, and as needed to refill the empty magazine or cylinder to capacity before continuing. For any firearm that is loaded in a manner other than via a detachable magazine, the tester shall also pause every 50 rounds for 10 minutes. The ammunition used shall be the type recommended by the firearm manufacturer in its user manual or, if none is recommended, any standard ammunition of the correct caliber in new condition. A firearm shall pass this test if it fires the first 20 rounds without a malfunction, fires the full 600 rounds with not more than 6 malfunctions and completes the test without any crack or breakage of an operating part of the firearm. The term "crack" or "breakage" shall not include a crack or breakage that does not increase the danger of injury to the user. For purposes of evaluating the results of this test, malfunction shall mean any failure to feed, chamber, fire, extract or eject a round or any failure to accept or eject a magazine or any other failure which prevents the firearm, without manual intervention beyond that needed for routine firing and periodic reloading, from firing the chambered round or moving a new round into position so that the firearm is capable of firing the new round properly. "Malfunction" shall not include a misfire caused by a faulty cartridge the primer of which fails to detonate when properly struck by the firearm's firing mechanism. **Nineteenth**, That no licensee shall sell, rent, lease, transfer or deliver or offer for sale, lease, transfer or delivery any firearm to any purchaser in the commonwealth unless such sale is to a business entity that is primarily a firearms wholesaler, and the sale, by its terms, prohibits such purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth if such firearm is prone to accidental discharge which, for purposes of this clause, shall mean any make and model of firearm for which a sample of 5 firearms in new condition all undergo, and none discharge during, the following test: Each of the 5 sample firearms shall be: **(a)** test loaded; **(b)** set so that the firearm is in a condition such that pulling the trigger and taking any action that must simultaneously accompany the pulling of the trigger as part of the firing procedure would fire the handgun; and **(c)** dropped onto a solid slab of concrete from a height of 1 meter from each of the following positions: **(i)** normal firing position; **(ii)** upside down; **(iii)** on grip; **(iv)** on the muzzle; **(v)** on either side; and **(vi)** on the exposed hammer or striker or, if there is no exposed hammer or striker, the rearmost part of the firearm. If the firearm is designed so that its hammer or striker may be set in other positions, each sample firearm shall be tested as above with the hammer or striker in each such position but otherwise in such condition that pulling the trigger, and taking any action that must simultaneously accompany the pulling of the trigger as part of the firing procedure, would fire the firearm. Alternatively, the tester may use additional sample firearms of the same make and model, in a similar condition, for the test of each of these hammer striker settings. **Twentieth**, That no licensee shall sell, rent, lease, transfer or deliver or offer for sale, lease, transfer or delivery, any firearm to any purchaser in the commonwealth unless such sale is to a business entity that is primarily a firearm wholesaler, and the sale, by its terms, prohibits the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth if such firearm is prone to: **(i)** firing more than once per pull of the trigger; or **(ii)** explosion during firing. **Twenty-first**, That no licensee shall sell, rent, lease, transfer or deliver or offer for sale, lease, transfer or delivery any firearm to any purchaser in the commonwealth unless such sale is to a business entity that is primarily a firearm wholesaler and the sale, by its terms, prohibits the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth if such firearm has a barrel less than 3 inches in length, unless the licensee discloses in writing, prior to the transaction, to the prospective buyer, lessee, deliverer or transferee the limitations of the

accuracy of the particular make and model of the subject firearm, by disclosing the make and model's average group diameter test result at 7 yards, average group diameter test result at 14 yards and average group diameter test result at 21 yards. For purposes of this clause, "average group diameter test result" shall mean the arithmetic mean of 3 separate trials, each performed as follows on a different sample firearm in new condition of the make and model at issue. Each firearm shall fire 5 rounds at a target from a set distance and the largest spread in inches between the centers of any of the holes made in a test target shall be measured and recorded. This procedure shall be repeated 2 more times on the firearm. The arithmetic mean of each of the 3 recorded results shall be deemed the result of the trial for that particular sample firearm. The ammunition used shall be the type recommended by the firearm manufacturer in its user manual or, if none is recommended, any standard ammunition of the correct caliber in new condition. No licensee shall sell any rifle or shotgun, contrary to the provisions of § 130 or § 131E.

Clauses Eighteenth to Twenty-first, inclusive, of the first paragraph shall not apply to: (i) a firearm lawfully owned or possessed under a license issued under this chapter on or before October 21, 1998; (ii) a firearm designated by the secretary of public safety, with the advice of the gun control advisory board, established pursuant to § 131 1/2 of chapter 140, as a firearm solely designed and sold for formal target shooting competition; or (iii) a firearm designated by the secretary of public safety, with the advice of the gun control advisory board, established pursuant to § 131 1/2 of chapter 140, as a firearm or pistol solely designed and sold for Olympic shooting competition. The secretary of public safety shall compile lists, on a bi-annual basis, of firearms designated as "formal target shooting firearms" and "Olympic competition firearms" in accordance with this paragraph. Such lists shall be made available for distribution by the executive office of public safety and security.

No person licensed under the provisions of § 122 or § 122B shall sell, rent, lease, transfer or deliver any rifle, shotgun or firearm or ammunition or ammunition feeding device contrary to the provisions of § 130 or § 131E; and no such licensee shall sell, rent, lease, transfer or deliver any rifle, shotgun or firearm or ammunition or ammunition feeding device to any person who does not have in his possession the required firearm identification card or proof of exemption therefrom, license to carry firearms or permit to purchase, rent or lease firearms and who does not present such card, proof, license or permit to the licensee in person at the time of purchase, rental or lease. No person licensed under the provisions of § 122 or § 122B shall fill an order for such weapon, ammunition or ammunition feeding device that was received by mail, facsimile, telephone or other telecommunication unless such transaction or transfer includes the in-person presentation of the required card, proof, license or permit as required herein prior to any sale, delivery or any form of transfer of possession of the subject weapon, ammunition or ammunition feeding device. Transactions between persons licensed under § 122 or between federally licensed dealers shall be exempt from the provisions of this paragraph.

The licensing authority shall enter, one time per calendar year, during regular business hours, the commercial premises owned or leased by any licensee, wherein such records required to be maintained under this section are stored or maintained, and inspect, in a reasonable manner, such records and inventory for the purpose of enforcing the provisions of this section. If such records and inventory contain evidence of violations of this section, the inspecting officer shall produce and take possession of copies of such records and, in the event that the licensee subject to inspection does not possess copying equipment, the inspecting officer shall arrange to have copied, in a reasonable time and manner, such records that contain evidence of such violations and the costs for such copying shall be assessed against the owner of such records. Licensees found to be in violation of this section shall be subject to the suspension or permanent revocation of such license issued under § 122 and to the provisions of § 128. Nothing herein shall prohibit the licensing authority or the department of state police from conducting such inspections pursuant to a valid search warrant issued by a court of competent jurisdiction.

Notwithstanding the provisions of this section, a person licensed under the provisions of § 122, or § 122B, may sell or transfer firearms, rifles, shotguns, machine guns or ammunition at any regular meeting of an incorporated collectors club or at a gun show open to the general public; provided, however, that all other provisions of this section are complied with and that such sale or transfer is in conformity with federal law or regulations applicable to the transfer or sale of firearms, rifles, shotguns, machine guns or ammunition, including the restrictions imposed upon firearm identification cards issued under § 129B, licenses to carry firearms issued under § 131 and permits to purchase, lease or rent firearms issued under § 131A.

§ 124. Firearms – License to Sell – Expiration. Licenses issued under §§ 122 and 122B shall expire 3 years from the date of issuance.

§ 125. Firearms – License to Sell – Suspension or Revocation. The officials authorized to issue a license under § 122, after due notice to the licensee and reasonable opportunity for him to be heard, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof or has violated any provision of this chapter, or has been convicted of a felony. The pendency of proceedings before a court shall not suspend or interfere with the power to declare a forfeiture. If the license is declared forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited. The commissioner of the department of criminal justice information services shall be notified in writing of any forfeiture under this section.

§ 126. Firearms – Sale – Evidence. If there is exposed from, maintained in or permitted to remain on any vehicle or premises any placard, sign or advertisement purporting or designed to announce that firearms, rifles, shotguns or machine guns are kept in or upon such vehicle or premises or that an occupant of any vehicle or premises is a gunsmith,

it shall be prima facie evidence that firearms, rifles, shotguns or machine guns are kept in or upon such vehicle or premises for sale or that the occupant is engaged in business as a gunsmith.

§ 127. Firearms – License to Sell – Transfer. The officials authorized to issue a license under § 122 may transfer licenses from one location to another within the city or town in which the licenses are in force, but such transfer shall be granted only to the original licensee and upon the same terms and conditions upon which the license was originally granted. The commissioner of the department of criminal justice information services shall be notified in writing of any transfers made under this section.

§ 128. Firearms – License to Sell – Violations. Any licensee under a license described in § 123, and any employee or agent of such a licensee, who violates any provision of said section required to be expressed in the second, fourth, sixth, seventh, eighth, ninth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth or twenty-first condition of said license, and except as provided in § 128A, any person who, without being licensed as hereinbefore provided, sells, rents or leases a firearm, rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment for not less than 1 year nor more than 10 years, or by both such fine and imprisonment.

Evidence that a person sold or attempted to sell a machine gun without being licensed under § 123 shall, in a prosecution under this section, constitute prima facie evidence that such person is engaged in the business of selling machine guns.

§ 128A. Firearms – License to Sell – Violations – Exceptions. The provisions of § 128 shall not apply to any person who, without being licensed as provided in § 122, sells or transfers a firearm, rifle or shotgun to a person licensed under said § 122, or to a federally licensed firearms dealer or to a federal, state or local historical society, museum or institutional collection open to the public. The provisions of § 128 shall not apply to any resident of the commonwealth who, without being licensed as provided in § 122, sells or transfers to other than a federally licensed firearms dealer or organization named above not more than 4 firearms, including rifles and shotguns in any one calendar year; provided, however, that the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (n), (o), (r) and (s) of the fourth paragraph of § 129C, or is permitted to transfer ownership under the conditions of § 129D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of § 131A and a firearm identification card issued under § 129B, or has such permit to purchase and is an exempt person under the provisions of § 129C, or has been issued a license to carry firearms under the provisions of § 130, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated. Any sale or transfer conducted pursuant to this section shall comply with § 131E and shall, prior to or at the point of sale, be conducted over a real time web portal developed by the department of criminal justice information services. The department of criminal justice information services shall require each person selling or transferring a firearm, shotgun or rifle pursuant to this section to electronically provide, through the portal, such information as is determined to be necessary to verify the identification of the seller and purchaser and ensure that the sale or transfer complies with this section. Upon submission of the required information, the portal shall automatically review such information and display a message indicating whether the seller may proceed with the sale or transfer and shall provide any further instructions for the seller as determined to be necessary by the department of criminal justice information services. The department of criminal justice information services shall keep a record of any sale or transfer conducted pursuant to this section and shall provide the seller and purchaser with verification of such sale or transfer.

§ 128B. Firearms – Purchase – Violations – Reports. Any resident of the commonwealth who purchases or obtains a firearm, rifle or shotgun or machine gun from any source within or without the commonwealth, other than from a licensee under § 122 or a person authorized to sell firearms under § 128A, and any nonresident of the commonwealth who purchases or obtains a firearm, rifle, shotgun or machine gun from any source within or without the commonwealth, other than such a licensee or person, and receives such firearm, rifle, shotgun or machine gun, within the commonwealth shall within 7 days after receiving such firearm, rifle, shotgun or machine gun, report, in writing, to the commissioner of the department of criminal justice information services the name and address of the seller or donor and the buyer or donee, together with a complete description of the firearm, rifle, shotgun or machine gun, including the caliber, make and serial number. Whoever violates any provision of this section shall for the first offense be punished by a fine of not less than \$500 nor more than \$1,000 and for any subsequent offense by imprisonment in the state prison for not more than 10 years.

§ 129. Firearms – Purchase – Fraud. Whoever in purchasing, renting or hiring a firearm, rifle, shotgun or machine gun, or in making application for any form of license or permit issued in connection therewith, or in requesting that work be done by a gunsmith, gives a false or fictitious name or address or knowingly offers or gives false information concerning the date or place of birth, his citizenship status, occupation, or criminal record, shall for the first offense be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment for not more than 1 year, or both; and for a second or subsequent offense, shall be punished by imprisonment for not less than 2 1/2 years nor more than 5 years in the state prison.

§ 129B. Firearms – Purchase – Identification Card. [Effective until January 1, 2021] A firearm identification card shall be issued and possessed subject to the following conditions and restrictions:

(1) Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority an application for a firearm identification card, or renewal of the same, which the licensing authority shall issue if it appears that the applicant is not a prohibited person. A prohibited person shall be a person who:

(i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, or both as defined in § 52 of chapter 119, for the commission of: **(A)** a felony; **(B)** a misdemeanor punishable by imprisonment for more than 2 years; **(C)** a violent crime as defined in § 121; **(D)** a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; **(E)** a violation of any law regulating the use, possession or sale of controlled substances, as defined in § 1 of chapter 94C, including, but not limited to, a violation under said chapter 94C; or **(F)** a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33); provided, however, that, except for the commission of a felony, a misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of controlled substances, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding such application, then the applicant's right or ability to possess a non-large capacity rifle or shotgun shall be deemed restored in the commonwealth with respect to such conviction or adjudication and that conviction or adjudication shall not disqualify the applicant for a firearm identification card;

(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of: **(A)** a felony; **(B)** a misdemeanor punishable by imprisonment for more than 2 years; **(C)** a violent crime as defined in § 121; **(D)** a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; **(E)** a violation of any law regulating the use, possession or sale of controlled substances, as defined in § 1 of chapter 94C, including, but not limited to, a violation under said chapter 94C; or **(F)** a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33); provided, however, that, except for the commission of felony, a misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of weapons or controlled substances, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding such application and the applicant's right or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the conviction or adjudication was entered, then the conviction or adjudication shall not disqualify such applicant for a firearm identification card;

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

(iv) is at the time of the application younger than 14 years of age; provided however that the applicant shall not be issued the card until the applicant reaches the age of 15.

(v) is at the time of the application more than 14 but less than 18 years of age, unless the applicant submits with the application a certificate of a parent or guardian granting the applicant permission to apply for a card;

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

(vii) is currently subject to: **(A)** an order for suspension or surrender issued pursuant to § 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or **(B)** a permanent or temporary protection order issued pursuant to chapter 209A, a similar order issued by another jurisdiction, including an order described in 18 U. S. C. 922(g)(8);

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

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

(x) is a fugitive from justice; or

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

(11/2) (a) Notwithstanding paragraph (1) to the contrary, the licensing authority may file a petition to request that an applicant be denied the issuance or renewal of a firearm identification card, or to suspend or revoke such a card in the district court of jurisdiction. If the licensing authority files any such petition it shall be accompanied by written notice to the applicant describing the specific evidence in the petition. Such petition shall be founded upon a written statement of the reasons for supporting a finding of unsuitability pursuant to subsection (d).

(b) Upon the filing of a petition to deny the issuance or renewal of a firearm identification card, the court shall within 90 days hold a hearing to determine if the applicant is unsuitable under subsection (d) of this paragraph. Such a petition shall serve to stay the issuance or renewal of the firearm identification card pending a judicial determination on such petition.

(c) Upon the filing of a petition to suspend or revoke a firearm identification card, the court shall within 15 days determine whether there is sufficient evidence to support a finding that the applicant is unsuitable. Such petition shall serve to effect the suspension or revocation pending a judicial determination on the sufficiency of evidence. If a court determines that insufficient evidence exists to support a finding of unsuitability, the licensing authority shall not file a petition under this subsection for the same applicant within 75 days of the licensing authority's previous petition for that applicant. If a court determines that sufficient evidence exists to support a finding of unsuitability, the court shall within 75 days hold a hearing to determine if the applicant is unsuitable under subsection (d); provided, however, that such initial suspension or revocation shall remain in effect pending a judicial determination thereon.

(d) A determination of unsuitability shall be based on a preponderance of evidence that there exists: **(i)** reliable, articulable, and credible information that the applicant has exhibited or engaged in behavior to suggest the applicant could potentially create a risk to public safety; or **(ii)** existing factors that suggest that the applicant could potentially create a risk to public safety. If a court enters a judgment that an applicant is unsuitable the court shall notify the applicant in a writing setting forth the specific reasons for such determination. If a court has not entered a judgment that an applicant is unsuitable under this clause within 90 days for petitions under clause (ii) or within 75 days under clause **(iii)**, the court shall enter a judgment that the applicant is suitable for the purposes of this paragraph.

(2) Within 7 days of the receipt of a completed application for a card, the licensing authority shall forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police, who shall, within 30 days, advise the licensing authority, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons from possessing a card; provided, however, that the taking of fingerprints shall not be required in issuing the renewal of a card if the renewal applicant's fingerprints are on file with the department of state police. In searching for any disqualifying history of the applicant, the colonel shall utilize, or cause to be utilized, files maintained by the department of mental health, department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System. If the information available to the colonel does not indicate that the possession of a non-large capacity rifle or shotgun by the applicant would be in violation of state or federal law, he shall certify such fact, in writing, to the licensing authority within such 30 day period. The licensing authority shall provide to the applicant a receipt indicating that it received the applicant's application. The receipt shall be provided to the applicant within 7 days by mail if the application was received by mail or immediately if the application was made in person; provided, however, that the receipt shall include the applicants' name, address, current firearm identification card number, if any, the current card's expiration date, if any, the date when the application was received by the licensing authority, the name of the licensing authority and its agent that received the application, the licensing authority's address and telephone number, the type of application and whether it is an application for a new card or for renewal of an existing card; and provided further, that a copy of the receipt shall be kept by the licensing authority for not less than 1 year and a copy shall be furnished to the applicant if requested by the applicant.

(3) The licensing authority may not prescribe any other condition for the issuance of a firearm identification card and shall, within 40 days from the date of application, either approve the application and issue the license or deny the application and notify the applicant of the reason for such denial in writing; provided, however, that no such card shall be issued unless the colonel has certified, in writing, that the information available to him does not indicate that the possession of a rifle or shotgun by the applicant would be in violation of state or federal law.

(4) A firearm identification card shall be revoked or suspended by the licensing authority or his designee upon the occurrence of any event that would have disqualified the holder from being issued such card or from having such card renewed or for a violation of a restriction provided under this section. Any revocation or suspension of a card shall be in writing and shall state the reasons therefor. Upon revocation or suspension, the licensing authority shall take possession of such card and receipt for fee paid for such card, and the person whose card is so revoked or suspended shall take all action required under the provisions of § 129D. No appeal or post-judgment motion shall operate to stay such revocation or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of the department of criminal justice information services and the commissioner of probation and shall be included in the criminal justice information system. A revoked or suspended card may be reinstated only upon the termination of all disqualifying conditions.

(5) Any applicant or holder aggrieved by a denial, revocation or suspension of a firearm identification card, unless a hearing has previously been held pursuant to chapter 209A, may, within either 90 days after receipt of notice of such denial, revocation or suspension or within 90 days after the expiration of the time limit in which the licensing authority is required to respond to the applicant, file a petition to obtain judicial review in the district court having jurisdiction in the city or town wherein the applicant filed for or was issued such card. A justice of such court, after a hearing, may direct that a card be issued or reinstated to the petitioner if the justice finds that such petitioner is not prohibited by law from possessing such card.

(6) A firearm identification card shall not entitle a holder thereof to possess: **(i)** a large capacity firearm or large capacity feeding device therefor, except under a Class A license issued to a shooting club as provided under § 131 or under the

direct supervision of a holder of a Class A license issued to an individual under § 131 at an incorporated shooting club or licensed shooting range; or **(ii)** a non-large capacity firearm or large capacity rifle or shotgun or large capacity feeding device therefor, except under a Class A license issued to a shooting club as provided under § 131 or under the direct supervision of a holder of a Class A or Class B license issued to an individual under § 131 at an incorporated shooting club or licensed shooting range. A firearm identification card issued pursuant to subclause (vi) of clause (1) of § 122D. shall not entitle a holder thereof to possess any rifle or shotgun that is, or in such manner that is, otherwise prohibited by law. A firearm identification card shall be valid for the purpose of purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate. Except as otherwise provided herein, a firearm identification card shall not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or transportation of a rifle or shotgun if such rifle or shotgun is a large capacity weapon as defined in § 121.

(7) ...If a firearm identification card is issued pursuant to clause (vi) of § 122D for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, such card shall clearly state that such card is valid for such limited purpose only. The application for such card shall be made in a standard form provided by the commissioner of the department of criminal justice information services which shall require the applicant to affirmatively state, under the pains and penalties of perjury, that he is not disqualified on any of the grounds enumerated in clauses (i) to (ix), inclusive, from being issued such card.

(8) Any person who knowingly files an application containing false information shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years in a house of correction, or by both such fine and imprisonment.

(9) A firearm identification card shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issuance, except that if the cardholder applied for renewal before the card expired, the card shall remain valid after the expiration date on the card for all lawful purposes, until the application for renewal is approved or denied; provided, however, if the cardholder is on active duty with the armed forces of the United States on the expiration date of the card, the card shall remain valid until the cardholder is released from active duty and for a period of not less than 180 days following such release, except that if the cardholder applied for renewal prior to the end of such period, the card shall remain valid after the expiration date on the card for all lawful purposes, until the application for renewal is approved or denied. A card issued on February 29 shall expire on March 1. The commissioner of criminal justice information services shall send electronically or by first class mail to the holder of a firearm identification card, a notice of the expiration of the card not less than 90 days before its expiration and shall enclose with the notice a form for the renewal of the card. The form for renewal shall include an affidavit whereby the applicant shall verify that the applicant has not lost a firearm or had a firearm stolen from the applicant's possession since the date of the applicant's last renewal or issuance. The commissioner of criminal justice information services shall include in the notice all pertinent information about the penalties that may be imposed if the firearm identification card is not renewed. The commissioner of criminal justice information services shall provide electronic notice of expiration only upon the request of a cardholder. A request for electronic notice of expiration shall be forwarded to the department on a form furnished by the commissioner. Any electronic address maintained by the department to provide electronic notice of expiration shall be considered a firearms record and shall not be disclosed except as provided in § 10 of chapter 66.

(9A) Except as provided in paragraph. (9B), the fee for an application for a firearm identification card shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in the case of revocation or denial.

(9B) The application fee for a firearm identification card issued pursuant to clause (vi) of § 122D for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall be \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in the case of revocation or denial. ... There shall be no application fee for the renewal of a firearm identification card issued under this paragraph.

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

(9C) Except as provided in paragraph. (9B), the fee for an application for a firearm identification card for any person under the age of 18 shall be \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in the case of revocation or denial.

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

(11) A cardholder shall notify, in writing, the licensing authority that issued such card, the chief of police into whose jurisdiction such cardholder moves and the executive director of the criminal history systems board of any change of address. Such notification shall be made by certified mail within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of such card.

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

if: **(i)** such firearm identification card has been revoked or suspended, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; **(ii)** revocation or suspension of such firearm identification card is pending, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; or **(iii)** an application for renewal of such firearm identification card has been denied. Any law enforcement officer who discovers a person to be in possession of a rifle or shotgun after such person's firearm identification card has expired, meaning after 90 days beyond the stated expiration date on the card, or has been revoked or suspended solely for failure to give notice of a change of address shall confiscate any rifle or shotgun and such expired or suspended card then in possession, and such officer shall forward such card to the licensing authority by whom it was issued as soon as practicable. Any confiscated weapon shall be returned to the owner upon the renewal or reinstatement of such expired or suspended card within one year of such confiscation or such weapon may be otherwise disposed of in accordance with the provisions of § 129D. Pending the issuance of a renewed firearm identification card, a receipt for the fee paid, after 5 days following issuance, shall serve as a valid substitute and any rifle or shotgun so confiscated shall be returned, unless the applicant is disqualified. The provisions of this paragraph shall not apply if such person has a valid license to carry firearms issued under § 131 or 131F.

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

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

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

§ 129B. Firearms – Purchase – Identification Card. [Effective January 1, 2021] A firearm identification card shall be issued and possessed subject to the following conditions and restrictions:

(1) Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority an application for a firearm identification card, or renewal of the same, which the licensing authority shall issue if it appears that the applicant is not a prohibited person. A prohibited person shall be a person who:

(i) has ever, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, or both as defined in § 52 of chapter 119, for the commission of: **(A)** a felony; **(B)** a misdemeanor punishable by imprisonment for more than 2 years; **(C)** a violent crime as defined in § 121; **(D)** a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; **(E)** a violation of any law regulating the use, possession or sale of controlled substances, as defined in § 1 of chapter 94C, including, but not limited to, a violation under said chapter 94C; or **(F)** a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33); provided, however, that, except for the commission of a felony, a misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of controlled substances, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding such application, then the applicant's right or ability to possess a non-large capacity rifle or shotgun shall be deemed restored in the commonwealth with respect to such conviction or adjudication and that conviction or adjudication shall not disqualify the applicant for a firearm identification card;

(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of: **(A)** a felony; **(B)** a misdemeanor punishable by imprisonment for more than 2 years; **(C)** a violent crime as defined in § 121; **(D)** a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; **(E)** a violation of any law regulating the use, possession or sale of controlled substances, as defined in § 1 of chapter 94C, including, but not limited to, a violation under said chapter 94C; or **(F)** a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33); provided, however, that, except for the commission of felony, a misdemeanor crime of domestic violence, a violent crime or a crime involving the trafficking of weapons or controlled substances, if the applicant has been so convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last, for 5 or more years immediately preceding such application and the applicant's right or ability to possess a rifle or shotgun has been fully restored in the jurisdiction wherein the conviction or adjudication was entered, then the conviction or adjudication shall not disqualify such applicant for a firearm identification card;

(iii) s or has been: **(A)** except in the case of a commitment pursuant to §§ 35 or 36C of chapter 123, committed to any hospital or institution for mental illness, alcohol or substance abuse, unless after 5 years from the date of the confinement, the applicant submits with the application an affidavit of a licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in the physician's or psychologist's opinion the applicant is not disabled by a mental illness, alcohol or substance abuse in a manner that should prevent the applicant from possessing a firearm, rifle or shotgun; **(B)** committed by an order of a court to any hospital or institution for mental illness, unless the applicant was granted a petition for relief of the court's order pursuant to said § 36C of said chapter 123 and submits a copy of the order for relief with the application; **(C)** subject to an order of the probate court appointing a guardian or conservator for an incapacitated person on the grounds that that

applicant lacks the mental capacity to contract or manage affairs, unless the applicant was granted a petition for relief pursuant to § 56C of chapter 215 and submits a copy of the order for relief with the application; or **(D)** found to be a person with an alcohol use disorder or substance use disorder or both and committed pursuant to said § 35 of said chapter 123, unless the applicant was granted a petition for relief of the court's order pursuant to said § 35 of said chapter 123 and submits a copy of the order for relief with the application;

(iv) is at the time of the application younger than 14 years of age; provided however that the applicant shall not be issued the card until the applicant reaches the age of 15.

(v) is at the time of the application more than 14 but less than 18 years of age, unless the applicant submits with the application a certificate of a parent or guardian granting the applicant permission to apply for a card;

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

(vii) is currently subject to: **(A)** an order for suspension or surrender issued pursuant to § 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or **(B)** a permanent or temporary protection order issued pursuant to chapter 209A, a similar order issued by another jurisdiction, including an order described in 18 U. S. C. 922(g)(8);

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

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

(x) is a fugitive from justice; or

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

(11/2) (a) Notwithstanding paragraph (1) to the contrary, the licensing authority may file a petition to request that an applicant be denied the issuance or renewal of a firearm identification card, or to suspend or revoke such a card in the district court of jurisdiction. If the licensing authority files any such petition it shall be accompanied by written notice to the applicant describing the specific evidence in the petition. Such petition shall be founded upon a written statement of the reasons for supporting a finding of unsuitability pursuant to subsection (d).

(b) Upon the filing of a petition to deny the issuance or renewal of a firearm identification card, the court shall within 90 days hold a hearing to determine if the applicant is unsuitable under subsection (d) of this paragraph. Such a petition shall serve to stay the issuance or renewal of the firearm identification card pending a judicial determination on such petition.

(c) Upon the filing of a petition to suspend or revoke a firearm identification card, the court shall within 15 days determine whether there is sufficient evidence to support a finding that the applicant is unsuitable. Such petition shall serve to effect the suspension or revocation pending a judicial determination on the sufficiency of evidence. If a court determines that insufficient evidence exists to support a finding of unsuitability, the licensing authority shall not file a petition under this subsection for the same applicant within 75 days of the licensing authority's previous petition for that applicant. If a court determines that sufficient evidence exists to support a finding of unsuitability, the court shall within 75 days hold a hearing to determine if the applicant is unsuitable under subsection (d); provided, however, that such initial suspension or revocation shall remain in effect pending a judicial determination thereon.

(d) A determination of unsuitability shall be based on a preponderance of evidence that there exists: **(i)** reliable, articulable, and credible information that the applicant has exhibited or engaged in behavior to suggest the applicant could potentially create a risk to public safety; or **(ii)** existing factors that suggest that the applicant could potentially create a risk to public safety. If a court enters a judgment that an applicant is unsuitable the court shall notify the applicant in a writing setting forth the specific reasons for such determination. If a court has not entered a judgment that an applicant is unsuitable under this clause within 90 days for petitions under clause (ii) or within 75 days under clause **(iii)**, the court shall enter a judgment that the applicant is suitable for the purposes of this paragraph.

(2) Within 7 days of the receipt of a completed application for a card, the licensing authority shall forward 1 copy of the application and 1 copy of the applicant's fingerprints to the colonel of state police, who shall, within 30 days, advise the licensing authority, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons from possessing a card; provided, however, that the taking of fingerprints shall not be required in issuing the renewal of a card if the renewal applicant's fingerprints are on file with the department of state police. In searching for any disqualifying history of the applicant, the colonel shall utilize, or cause to be utilized, files maintained by the department of mental health, department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System. If the information available to the colonel does not indicate that the possession of a non-large capacity rifle or shotgun by the applicant would be in violation of state or federal law, he shall certify such fact, in writing, to the licensing authority within such 30 day period. The licensing authority shall provide to the applicant a receipt indicating that it received the applicant's application. The receipt shall be provided to the applicant within 7 days by mail if the application was received by mail or immediately if the application was made in person; provided, however, that the receipt shall include the applicants' name, address, current firearm identification card number, if any, the current card's expiration date, if any, the date when the application was received by the licensing authority, the name of the licensing authority and its agent that received the application, the licensing authority's address and telephone number, the type of application and whether it is an application for a new card or for renewal of an existing card; and provided further, that a copy of the receipt shall be kept by the licensing authority for not less than 1 year and a copy shall be furnished to the applicant if requested by the applicant.

(3) The licensing authority may not prescribe any other condition for the issuance of a firearm identification card and shall, within 40 days from the date of application, either approve the application and issue the license or deny the application

and notify the applicant of the reason for such denial in writing; provided, however, that no such card shall be issued unless the colonel has certified, in writing, that the information available to him does not indicate that the possession of a rifle or shotgun by the applicant would be in violation of state or federal law.

(4) A firearm identification card shall be revoked or suspended by the licensing authority or his designee upon the occurrence of any event that would have disqualified the holder from being issued such card or from having such card renewed or for a violation of a restriction provided under this section. Any revocation or suspension of a card shall be in writing and shall state the reasons therefor. Upon revocation or suspension, the licensing authority shall take possession of such card and receipt for fee paid for such card, and the person whose card is so revoked or suspended shall take all action required under the provisions of § 129D. No appeal or post-judgment motion shall operate to stay such revocation or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of the department of criminal justice information services and the commissioner of probation and shall be included in the criminal justice information system. A revoked or suspended card may be reinstated only upon the termination of all disqualifying conditions.

(5) Any applicant or holder aggrieved by a denial, revocation or suspension of a firearm identification card, unless a hearing has previously been held pursuant to chapter 209A, may, within either 90 days after receipt of notice of such denial, revocation or suspension or within 90 days after the expiration of the time limit in which the licensing authority is required to respond to the applicant, file a petition to obtain judicial review in the district court having jurisdiction in the city or town wherein the applicant filed for or was issued such card. A justice of such court, after a hearing, may direct that a card be issued or reinstated to the petitioner if the justice finds that such petitioner is not prohibited by law from possessing such card.

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

(7) ...If a firearm identification card is issued for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, such card shall clearly state that such card is valid for such limited purpose only. The application for such card shall be made in a standard form provided by the commissioner of the department of criminal justice information services which shall require the applicant to affirmatively state, under the pains and penalties of perjury, that he is not disqualified on any of the grounds enumerated in clauses (i) to (ix), inclusive, from being issued such card.

(8) Any person who knowingly files an application containing false information shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years in a house of correction, or by both such fine and imprisonment.

(9) A firearm identification card shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issuance, except that if the cardholder applied for renewal before the card expired, the card shall remain valid after the expiration date on the card for all lawful purposes, until the application for renewal is approved or denied; provided, however, if the cardholder is on active duty with the armed forces of the United States on the expiration date of the card, the card shall remain valid until the cardholder is released from active duty and for a period of not less than 180 days following such release, except that if the cardholder applied for renewal prior to the end of such period, the card shall remain valid after the expiration date on the card for all lawful purposes, until the application for renewal is approved or denied. A card issued on February 29 shall expire on March 1. The commissioner of criminal justice information services shall send electronically or by first class mail to the holder of a firearm identification card, a notice of the expiration of the card not less than 90 days before its expiration and shall enclose with the notice a form for the renewal of the card. The form for renewal shall include an affidavit whereby the applicant shall verify that the applicant has not lost a firearm or had a firearm stolen from the applicant's possession since the date of the applicant's last renewal or issuance. The commissioner of criminal justice information services shall include in the notice all pertinent information about the penalties that may be imposed if the firearm identification card is not renewed. The commissioner of criminal justice information services shall provide electronic notice of expiration only upon the request of a cardholder. A request for electronic notice of expiration shall be forwarded to the department on a form furnished by the commissioner. Any electronic address maintained by the department to provide electronic notice of expiration shall be considered a firearms record and shall not be disclosed except as provided in § 10 of chapter 66.

(9A) Except as provided in paragraph. (9B), the fee for an application for a firearm identification card shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in the case of revocation or denial.

(9B) The application fee for a firearm identification card issued for the sole purpose of purchasing or possessing chemical

mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall be \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in the case of revocation or denial. ...There shall be no application fee for the renewal of a firearm identification card issued under this paragraph.

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

(9C) Except as provided in paragraph. (9B), the fee for an application for a firearm identification card for any person under the age of 18 shall be \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in the case of revocation or denial.

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

(11) A cardholder shall notify, in writing, the licensing authority that issued such card, the chief of police into whose jurisdiction such cardholder moves and the executive director of the criminal history systems board of any change of address. Such notification shall be made by certified mail within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of such card.

(12) Notwithstanding the provisions of § 10 of chapter 269, any person in possession of a non-large capacity rifle or shotgun whose firearm identification card issued under this section is invalid for the sole reason that it has expired, not including licenses that remain valid under paragraph (9) because the licensee applied for renewal before the license expired but who shall not be disqualified from renewal upon application therefor under this section, shall be subject to a civil fine of not less than \$100 nor more than \$5,000 and the provisions of said § 10 of said chapter 269 shall not apply; provided, however, that the exemption from the provisions of said § 10 of said chapter 269 provided herein shall not apply if: **(i)** such firearm identification card has been revoked or suspended, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; **(ii)** revocation or suspension of such firearm identification card is pending, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; or **(iii)** an application for renewal of such firearm identification card has been denied. Any law enforcement officer who discovers a person to be in possession of a rifle or shotgun after such person's firearm identification card has expired, meaning after 90 days beyond the stated expiration date on the card, or has been revoked or suspended solely for failure to give notice of a change of address shall confiscate any rifle or shotgun and such expired or suspended card then in possession, and such officer shall forward such card to the licensing authority by whom it was issued as soon as practicable. Any confiscated weapon shall be returned to the owner upon the renewal or reinstatement of such expired or suspended card within one year of such confiscation or such weapon may be otherwise disposed of in accordance with the provisions of § 129D. Pending the issuance of a renewed firearm identification card, a receipt for the fee paid, after 5 days following issuance, shall serve as a valid substitute and any rifle or shotgun so confiscated shall be returned, unless the applicant is disqualified. The provisions of this paragraph shall not apply if such person has a valid license to carry firearms issued under § 131 or 131F.

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

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

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

§ 129C. Firearms – Possession. [Effective until January 1, 2021] No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of § 129B.

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than **(a)** by operation of law, or **(b)** to an exempt person as hereinafter described, or **(c)** to a licensed dealer, or **(d)** to a person who displays his firearm identification card, or license to carry a pistol or revolver.

A seller shall, within 7 days, report all such transfers to the commissioner of the department of criminal justice information services according to the provisions set forth in § 128A, and in the case of loss, theft or recovery of any firearm, rifle, shotgun or machine gun, a similar report shall be made forthwith to both the commissioner of the department of criminal justice information services and the licensing authority in the city or town where the owner resides. Whoever fails to report the loss or theft of a firearm, rifle, shotgun or machine gun or the recovery of a firearm, rifle, shotgun or machine gun previously reported lost or stolen to the commissioner of the department of criminal justice information services and the licensing authority in the city or town where the owner resides shall be punished by a fine of not less than \$500 nor more than \$1,000 for a first offense, by a fine of not less than \$2,500 nor more than \$7,500 for a second offense and by a fine of not less than \$7,500 nor more than \$10,000 or imprisonment for not less than 1 year nor more than 5 years, or by both such fine and imprisonment, for a third or subsequent offense. Failure to so report shall be a cause for suspension or permanent revocation of a person's firearm identification card or license to carry firearms, or both. Notwithstanding this paragraph or any general or special law to the contrary, no person, who in good faith, reports a loss

or theft under this paragraph for the first time shall be subject to suspension, revocation or be considered unsuitable under § 131 for the renewal of a lawfully held firearm identification card or license to carry firearms; provided, however, that persons reporting loss or theft under this paragraph or under § 129B on a second or subsequent occasion may be subject to suspension, revocation or be considered unsuitable under said § 131 for the renewal of a lawfully held firearm identification card or license to carry firearms.

The provisions of this section shall not apply to the following exempted persons and uses:

- (a)** Any device used exclusively for signalling or distress use and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or for the firing of stud cartridges, explosive rivets or similar industrial ammunition;
- (b)** Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing;
- (c)** To a person voluntarily surrendering a firearm, rifle or shotgun and ammunition therefor to a licensing authority, the colonel of the state police or his designee if prior written notice has been given by said person to the licensing authority or the colonel of the state police, stating the place and approximate time of said surrender;
- (d)** The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier;
- (e)** Possession by retail customers for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations, provided that the firearms, rifles or shotguns to be so used are firmly chained or affixed to the counter and that the proprietor is in possession of a firearm identification card or license to carry firearms;
- (f)** Possession of rifles and shotguns and ammunition therefor by nonresident hunters with valid nonresident hunting licenses during hunting season;
- (g)** Possession of rifles and shotguns and ammunition therefor by nonresidents while on a firing or shooting range;
- (h)** Possession of rifles and shotguns and ammunition therefor by nonresidents traveling in or through the commonwealth, providing that any rifles or shotguns are unloaded and enclosed in a case;
- (i)** Possession of rifles and shotguns by nonresidents while at a firearm showing or display organized by a regularly existing gun collectors' club or association;
- (j)** Any resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any new resident moving into the commonwealth, with respect to any firearm, rifle or shotgun and any ammunition therefor then in his possession, for 60 days after such return or entry into the commonwealth.
- (k)** Any person under the age of 15 with respect to the use of a rifle or shotgun by such person in hunting or target shooting, provided that such use is otherwise permitted by law and is under the immediate supervision of a person holding a firearm identification card or a license to carry firearms, or a duly commissioned officer, noncommissioned officer or enlisted member of the United States Army, Navy, Marine Corps, Air Force or Coast Guard, or the National Guard or military service of the commonwealth or reserve components thereof, while in the performance of his duty;
- (l)** The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;
- (m)** The temporary holding, handling or firing of a firearm for examination, trial or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling or firing of a rifle or shotgun for examination, trial or instruction in the presence of a holder of a firearm identification card, or where such holding, handling or firing is for a lawful purpose;
- (n)** The transfer of a firearm, rifle or shotgun upon the death of an owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within 180 days of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further limited period as may be necessary for the disposition of such firearm, rifle or shotgun;
- (o)** Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them;
- (p)** Carrying or possession by residents or nonresidents of so-called black powder rifles, shotguns, and ammunition therefor as described in such paragraphs (A) and (B) of the third paragraph of § 121, and the carrying or possession of conventional rifles, shotguns, and ammunition therefor by nonresidents who meet the requirements for such carrying or possession in the state in which they reside.
- (q)** [Stricken.]
- (r)** Possession by a veteran's organization chartered by the Congress of the United States, chartered by the commonwealth or recognized as a nonprofit tax-exempt organization by the Internal Revenue Service and possession by the members of any such organization when on official parade duty or ceremonial occasions.
- (s)** Possession by federal, state and local historical societies, museums, and institutional collections open to the public, provided such firearms, rifles or shotguns are unloaded, properly housed and secured from unauthorized handling;
- (t)** the possession of firearms, rifles, shotguns, machine guns and ammunition, by banks or institutional lenders, or their agents, servants or employees, when the same are possessed as collateral for a secured commercial transaction or as a result of a default under a secured commercial transaction.

(u) Any nonresident who is 18 years of age or older at the time of acquiring a rifle or shotgun from a licensed firearms dealer; provided, however, that such nonresident must hold a valid firearms license from his state of residence; provided, further, that the licensing requirements of such nonresident's state of residence are as stringent as the requirements of the commonwealth for a firearm identification card, as determined by the colonel of the state police who shall, annually, publish a list of those states whose requirements comply with the provisions of this clause.

Any person, exempted by clauses (o), (p) and (q), purchasing a rifle or shotgun or ammunition therefor shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable.

Nothing in this section shall permit the sale of rifles or shotguns or ammunition therefor to a minor under the age of 18 in violation of § 130 nor may any firearm be sold to a person under the age of 21 nor to any person who is not licensed to carry firearms under § 131 unless he presents a valid firearm identification card and a permit to purchase issued under § 131A, or presents such permit to purchase and is a properly documented exempt person as hereinbefore described. Nothing in this section shall permit the sale or transfer of any large capacity rifle or shotgun or large capacity feeding device therefor to any person not in possession of a Class A or Class B license to carry firearms issued under § 131, or of any large capacity firearm or large capacity feeding device therefor to any person not in possession of a Class A license to carry firearms issued under § 131.

The possession of a firearm identification card issued under § 129B shall not entitle any person to carry a firearm in violation of § 10 of chapter 269 and, the possession of a firearm identification card issued under § 129B shall not entitle any person to possess any large capacity rifle or shotgun or large capacity feeding device therefor in violation of subsection (m) of said § 10 of said chapter 269.

Any person who, while not being within the limits of his own property or residence, or such person whose property or residence is under lawful search, and who is not exempt under this section, shall on demand of a police officer or other law enforcement officer, exhibit his license to carry firearms, or his firearm identification card or receipt for fee paid for such card, or, after January first, 1970, exhibit a valid hunting license issued to him which shall bear the number officially inscribed of such license to carry or card if any. Upon failure to do so such person may be required to surrender to such officer said firearm, rifle or shotgun which shall be taken into custody as under the provisions of § 129D, except that such firearm, rifle or shotgun shall be returned forthwith upon presentation within 30 days of said license to carry firearms, firearm identification card or receipt for fee paid for such card or hunting license as hereinbefore described. Any person subject to the conditions of this paragraph may, even though no firearm, rifle or shotgun was surrendered, be required to produce within 30 days said license to carry firearms, firearm identification card or receipt for fee paid for such card, or said hunting license, failing which the conditions of § 129D will apply. Nothing in this section shall prevent any person from being prosecuted for any violation of this chapter.

§ 129C. Firearms – Possession. [Effective January 1, 2021] No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of § 129B.

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than **(a)** by operation of law, or **(b)** to an exempt person as hereinafter described, or **(c)** to a licensed dealer, or **(d)** to a person who displays his firearm identification card, or license to carry a pistol or revolver.

A seller shall, within 7 days, report all such transfers to the commissioner of the department of criminal justice information services according to the provisions set forth in § 128A, and in the case of loss, theft or recovery of any firearm, rifle, shotgun or machine gun, a similar report shall be made forthwith to both the commissioner of the department of criminal justice information services and the licensing authority in the city or town where the owner resides. Whoever fails to report the loss or theft of a firearm, rifle, shotgun or machine gun or the recovery of a firearm, rifle, shotgun or machine gun previously reported lost or stolen to the commissioner of the department of criminal justice information services and the licensing authority in the city or town where the owner resides shall be punished by a fine of not less than \$500 nor more than \$1,000 for a first offense, by a fine of not less than \$2,500 nor more than \$7,500 for a second offense and by a fine of not less than \$7,500 nor more than \$10,000 or imprisonment for not less than 1 year nor more than 5 years, or by both such fine and imprisonment, for a third or subsequent offense. Failure to so report shall be a cause for suspension or permanent revocation of a person's firearm identification card or license to carry firearms, or both. Notwithstanding this paragraph or any general or special law to the contrary, no person, who in good faith, reports a loss or theft under this paragraph for the first time shall be subject to suspension, revocation or be considered unsuitable under § 131 for the renewal of a lawfully held firearm identification card or license to carry firearms; provided, however, that persons reporting loss or theft under this paragraph or under § 129B on a second or subsequent occasion may be subject to suspension, revocation or be considered unsuitable under said § 131 for the renewal of a lawfully held firearm identification card or license to carry firearms.

The provisions of this section shall not apply to the following exempted persons and uses:

(a) Any device used exclusively for signalling or distress use and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(b) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers,

or on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing;

(c) To a person voluntarily surrendering a firearm, rifle or shotgun and ammunition therefor to a licensing authority, the colonel of the state police or his designee if prior written notice has been given by said person to the licensing authority or the colonel of the state police, stating the place and approximate time of said surrender;

(d) The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier;

(e) Possession by retail customers for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations, provided that the firearms, rifles or shotguns to be so used are firmly chained or affixed to the counter and that the proprietor is in possession of a firearm identification card or license to carry firearms;

(f) Possession of rifles and shotguns and ammunition therefor by nonresident hunters with valid nonresident hunting licenses during hunting season;

(g) Possession of rifles and shotguns and ammunition therefor by nonresidents while on a firing or shooting range;

(h) Possession of rifles and shotguns and ammunition therefor by nonresidents traveling in or through the commonwealth, providing that any rifles or shotguns are unloaded and enclosed in a case;

(i) Possession of rifles and shotguns by nonresidents while at a firearm showing or display organized by a regularly existing gun collectors' club or association;

(j) Any resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any new resident moving into the commonwealth, with respect to any firearm, rifle or shotgun and any ammunition therefor then in his possession, for 60 days after such return or entry into the commonwealth.

(k) Any person under the age of 15 with respect to the use of a rifle or shotgun by such person in hunting or target shooting, provided that such use is otherwise permitted by law and is under the immediate supervision of a person holding a firearm identification card or a license to carry firearms, or a duly commissioned officer, noncommissioned officer or enlisted member of the United States Army, Navy, Marine Corps, Air Force or Coast Guard, or the National Guard or military service of the commonwealth or reserve components thereof, while in the performance of his duty;

(l) The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;

(m) The temporary holding, handling or firing of a firearm for examination, trial or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling or firing of a rifle or shotgun for examination, trial or instruction in the presence of a holder of a firearm identification card, or where such holding, handling or firing is for a lawful purpose;

(n) The transfer of a firearm, rifle or shotgun upon the death of an owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within 180 days of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further limited period as may be necessary for the disposition of such firearm, rifle or shotgun;

(o) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them;

(p) Carrying or possession by residents or nonresidents of so-called black powder rifles, shotguns, and ammunition therefor as described in such paragraphs (A) and (B) of the third paragraph of § 121, and the carrying or possession of conventional rifles, shotguns, and ammunition therefor by nonresidents who meet the requirements for such carrying or possession in the state in which they reside.

(r) Possession by a veteran's organization chartered by the Congress of the United States, chartered by the commonwealth or recognized as a nonprofit tax-exempt organization by the Internal Revenue Service and possession by the members of any such organization when on official parade duty or ceremonial occasions.

(s) Possession by federal, state and local historical societies, museums, and institutional collections open to the public, provided such firearms, rifles or shotguns are unloaded, properly housed and secured from unauthorized handling;

(t) the possession of firearms, rifles, shotguns, machine guns and ammunition, by banks or institutional lenders, or their agents, servants or employees, when the same are possessed as collateral for a secured commercial transaction or as a result of a default under a secured commercial transaction.

(u) Any nonresident who is 18 years of age or older at the time of acquiring a rifle or shotgun from a licensed firearms dealer; provided, however, that such nonresident must hold a valid firearms license from his state of residence; provided, further, that the licensing requirements of such nonresident's state of residence are as stringent as the requirements of the commonwealth for a firearm identification card, as determined by the colonel of the state police who shall, annually, publish a list of those states whose requirements comply with the provisions of this clause.

Any person, exempted by clauses (o), (p) and (q), purchasing a rifle or shotgun or ammunition therefor shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable.

Nothing in this section shall permit the sale of rifles or shotguns or ammunition therefor to a minor under the age of 18 in violation of § 130 nor may any firearm be sold to a person under the age of 21 nor to any person who is not licensed to

carry firearms under § 131 unless he presents a valid firearm identification card and a permit to purchase issued under § 131A, or presents such permit to purchase and is a properly documented exempt person as hereinbefore described.

Nothing in this section shall permit the sale or transfer of a large capacity rifle, shotgun or firearm or large capacity feeding device therefor to a person not in possession of a license to carry firearms issued pursuant to § 131.

The possession of a firearm identification card issued under § 129B shall not entitle any person to carry a firearm in violation of § 10 of chapter 269 and, the possession of a firearm identification card issued under § 129B shall not entitle any person to possess any large capacity rifle or shotgun or large capacity feeding device therefor in violation of subsection (m) of said § 10 of said chapter 269.

Any person who, while not being within the limits of his own property or residence, or such person whose property or residence is under lawful search, and who is not exempt under this section, shall on demand of a police officer or other law enforcement officer, exhibit his license to carry firearms, or his firearm identification card or receipt for fee paid for such card, or, after January first, 1970, exhibit a valid hunting license issued to him which shall bear the number officially inscribed of such license to carry or card if any. Upon failure to do so such person may be required to surrender to such officer said firearm, rifle or shotgun which shall be taken into custody as under the provisions of § 129D, except that such firearm, rifle or shotgun shall be returned forthwith upon presentation within 30 days of said license to carry firearms, firearm identification card or receipt for fee paid for such card or hunting license as hereinbefore described. Any person subject to the conditions of this paragraph may, even though no firearm, rifle or shotgun was surrendered, be required to produce within 30 days said license to carry firearms, firearm identification card or receipt for fee paid for such card, or said hunting license, failing which the conditions of § 129D will apply. Nothing in this section shall prevent any person from being prosecuted for any violation of this chapter.

§ 129D. Firearms – Identification Card – Surrender. Upon revocation, suspension or denial of an application for a firearm identification card pursuant to § 129B or for any firearms license if the firearm identification card is not then in force or for any machine gun license, the person whose application was so revoked, suspended or denied shall without delay deliver or surrender to the licensing authority where the person resides all firearms, rifles, shotguns and machine guns and ammunition which the person then possesses unless an appeal of the revocation or suspension is pending. The person or the person's legal representative shall have the right, at any time up to 1 year after the delivery or surrender, to transfer the firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or any other person legally permitted to purchase or take possession of the firearms, rifles, shotguns and machine guns and ammunition and, upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within 10 days deliver the firearms, rifles, shotguns and machine guns and ammunition to the transferee or purchaser and the licensing authority shall observe due care in the receipt and holding of any such firearm, rifle, shotgun or machine gun and ammunition; provided, however, that the purchaser or transferee shall affirm in writing that the purchaser or transferee shall not in violation of § 129C transfer the firearms, rifles, shotguns or machine guns or ammunition to the former owner. The licensing authority shall at the time of delivery or surrender inform the person in writing of the authority's ability, within 1 year after delivery or surrender, to transfer the firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or other person legally permitted to purchase or take possession.

The licensing authority, after taking possession of any firearm, rifle, shotgun, machine gun or ammunition by any means, may transfer possession of such weapon for storage purposes to a federally and state licensed dealer of such weapons and ammunition who operates a bonded warehouse on the licensed premises that is equipped with a safe for the secure storage of firearms and a weapon box or similar container for the secure storage of other weapons and ammunition; provided, however, that the licensing authority shall not transfer to such dealer possession of any weapon that is or may be evidence in any current or pending criminal case concerning a violation of any general or special law, rule or regulation governing the use, possession or ownership of such weapon. Any such dealer that takes possession of a weapon under the provisions of this section shall: **(i)** inspect such weapon; **(ii)** issue to the owner a receipt indicating the make, model, caliber, serial number and condition of each weapon so received; and **(iii)** store and maintain all weapons so received in accordance with such regulations, rules or guidelines as the secretary of the executive office of public safety may establish under this section. The owner shall be liable to such dealer for reasonable storage charges and may dispose of any such weapon as provided under this section by transfer to a person lawfully permitted to purchase or take possession of such weapon.

Firearms, rifles, shotguns or machine guns and ammunition not disposed of after delivery or surrender according to the provisions of this section shall be sold at public auction by the colonel of the state police to the highest bidding person legally permitted to purchase and possess said firearms, rifles, shotguns or machine guns and ammunition and the proceeds shall be remitted to the state treasurer. Any such weapon that is stored and maintained by a licensed dealer as provided under this section may be so auctioned at the direction of: **(i)** the licensing authority at the expiration of 1 year following initial surrender or delivery to such licensing authority; or **(ii)** the dealer then in possession, if the storage charges for such weapon have been in arrears for 90 days; provided, however, that in either case, title shall pass to the licensed dealer for the purpose of transferring ownership to the auctioneer; and provided further, that in either case, after deduction and payment for storage charges and all necessary costs associated with such surrender and transfer, all surplus proceeds, if any, shall be immediately returned to the owner of such weapon; provided, however, that no firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out a criminal act pursuant to § 131Q shall be sold at public auction pursuant to this section.

If the licensing authority cannot reasonably ascertain a lawful owner within 180 days of acquisition by the authority, the authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns or machine guns or ammunition to properly licensed distributors or firearms dealers. The proceeds of the sale or transfer shall be remitted or credited to the municipality in which the authority presides to purchase weapons, equipment or supplies or for violence reduction or suicide prevention; provided, however, that no firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out a criminal act pursuant to § 131Q shall be considered surplus, donated, abandoned or junk for the purposes of this section.

The secretary of the executive office of public safety may make and promulgate such rules and regulations as are necessary to carry out the provisions of this section.

Upon revocation, suspension or denial of an application for a firearm identification card pursuant to § 129B or for any firearms license if the firearm identification card is not then in force or for any machine gun license, the person whose application was so revoked, suspended or denied shall without delay deliver or surrender to the licensing authority where the person resides all firearms, rifles, shotguns and machine guns and ammunition which the person then possesses unless an appeal of the revocation or suspension is pending. The person or the person's legal representative shall have the right, at any time up to 1 year after the delivery or surrender, to transfer the firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or any other person legally permitted to purchase or take possession of the firearms, rifles, shotguns and machine guns and ammunition and, upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within 10 days deliver the firearms, rifles, shotguns and machine guns and ammunition to the transferee or purchaser and the licensing authority shall observe due care in the receipt and holding of any such firearm, rifle, shotgun or machine gun and ammunition; provided, however, that the purchaser or transferee shall affirm in writing that the purchaser or transferee shall not in violation of § 129C transfer the firearms, rifles, shotguns or machine guns or ammunition to the former owner. The licensing authority shall at the time of delivery or surrender inform the person in writing of the authority's ability, within 1 year after delivery or surrender, to transfer the firearms, rifles, shotguns and machine guns and ammunition to any licensed dealer or other person legally permitted to purchase or take possession.

§ 130. Firearms – Prohibited Sales. Whoever sells or furnishes a rifle, shotgun or ammunition to any alien 18 years of age or older who does not hold a permit card issued to that alien pursuant to § 131H or, except as provided in this section or § 131E, whoever sells or furnishes any alien or any person under 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever sells or furnishes to any person under 21 years of age a firearm or large capacity rifle or shotgun or ammunition therefor shall have the license to sell firearms, rifles, shotguns, machine guns or ammunition revoked and shall not be entitled to apply for such license for 10 years from the date of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment in a state prison for not more than 10 years or by imprisonment in a house of correction for not more than 2 1/2 years or by both such fine and imprisonment.

§ 130 1/2. Firearms – Prohibited Sales – Exceptions for Minors. [Effective January 1, 2021] Notwithstanding § 130 or any general or special law to the contrary, it shall be lawful to furnish a weapon to a minor for hunting, recreation, instruction and participation in shooting sports while under the supervision of a holder of a valid firearm identification card or license to carry appropriate for the weapon in use; provided, however, that the parent or guardian of the minor granted consent for such activities.

§ 130B. Firearm Licensing Review Board.

(b) An applicant for a firearm identification card or license to carry who has been convicted of or adjudicated a delinquent child or youthful offender by reason of an offense or offenses punishable by 2 1/2 years imprisonment or less when committed under the laws of the commonwealth which was not: (a) an assault or battery on a family member or household member, as defined by § 1 of chapter 209A, except that the determination to be made under clause (e) of said § 1 of said chapter 209A shall be made by the review board, may, after the passage of 5 years from conviction, adjudication as a youthful offender or a delinquent child or release from confinement, commitment, probation or parole supervision for such conviction or adjudication, whichever is last occurring, file a petition for review of eligibility with the firearm licensing review board.

(c) The petitioner shall provide to the board a copy of a completed firearm identification card or license to carry application, which application shall have previously been submitted to the licensing authority or be submitted to the licensing authority contemporaneously with the petition filed with the board. The petitioner shall have the burden to prove his suitability to receive a firearm identification card or a license to carry by clear and convincing evidence. The board shall set a reasonable filing fee to file the petition.

(d) If the board determines, by 2/3rds vote, that: **(i)** the sole disqualifier for the petitioner is any conviction or adjudication as a youthful offender or a delinquent child for an offense or offenses punishable by 2 1/2 years imprisonment or less when committed under the laws of the commonwealth, arising out of a single incident and which does not otherwise disqualify the petitioner under subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (ix), inclusive, of paragraph (1) of § 129B or subclauses (a), (d) or (e) of clause (i) or clauses (ii) to (vii), inclusive, of paragraph (d) of § 131, and which was not an assault or battery on a family member or household members, as defined by § 1 of chapter 209A, except that the determination to be made under clause (e) of said § 1 of said chapter 209A shall be made by the board; **(ii)** 5 years has passed since such conviction or adjudication or release from confinement, commitment, probation or parole supervision for such conviction or adjudication, whichever is last occurring; and **(iii)** by clear and convincing evidence, that the

petitioner is a suitable person to be a firearm identification card or license to carry holder, the board shall determine that the petitioner's right or ability to possess a firearm is fully restored in the commonwealth with respect to such conviction or adjudication and that such conviction or adjudication shall not prohibit such petitioner from applying to a licensing authority for a firearm identification card or license to carry. The board shall make a determination on a petition within 60 days after receipt of the petition.

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

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

§ 131. License to Carry Firearm; Penalty for Violation. [Effective until January 1, 2021] All licenses to carry firearms shall be designated Class A or Class B, and the issuance and possession of any such license shall be subject to the following conditions and restrictions:

(a) A Class A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry: **(i)** firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority deems proper; and **(ii)** rifles and shotguns, including large capacity weapons, and feeding devices and ammunition therefor, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it deems proper. A violation of a restriction imposed by the licensing authority under the provisions of this paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that the provisions of § 10 of chapter 269 shall not apply to such violation.

The colonel of state police may, after an investigation, grant a Class A license to a club or facility with an on-site shooting range or gallery, which club is incorporated under the laws of the commonwealth for the possession, storage and use of large capacity weapons, ammunition therefor and large capacity feeding devices for use with such weapons on the premises of such club; provided, however, that not less than one shareholder of such club shall be qualified and suitable to be issued such license; and provided further, that such large capacity weapons and ammunition feeding devices may be used under such Class A club license only by such members that possess a valid firearm identification card issued under § 129B or a valid Class A or Class B license to carry firearms, or by such other persons that the club permits while under the direct supervision of a certified firearms safety instructor or club member who, in the case of a large capacity firearm, possesses a valid Class A license to carry firearms or, in the case of a large capacity rifle or shotgun, possesses a valid Class A or Class B license to carry firearms. Such club shall not permit shooting at targets that depict human figures, human effigies, human silhouettes or any human images thereof, except by public safety personnel performing in line with their official duties.

No large capacity weapon or large capacity feeding device shall be removed from the premises except for the purposes of: **(i)** transferring such firearm or feeding device to a licensed dealer; **(ii)** transporting such firearm or feeding device to a licensed gunsmith for repair; **(iii)** target, trap or skeet shooting on the premises of another club incorporated under the laws of the commonwealth and for transporting thereto; **(iv)** attending an exhibition or educational project or event that is sponsored by, conducted under the supervision of or approved by a public law enforcement agency or a nationally or state recognized entity that promotes proficiency in or education about semiautomatic weapons and for transporting thereto and therefrom; **(v)** hunting in accordance with the provisions of chapter 131; or **(vi)** surrendering such firearm or feeding device under the provisions of § 129D. Any large capacity weapon or large capacity feeding device kept on the premises of a lawfully incorporated shooting club shall, when not in use, be secured in a locked container, and shall be unloaded during any lawful transport. The clerk or other corporate officer of such club shall annually file a report with the colonel of state police and the commissioner of the department of criminal justice information services listing all large capacity weapons and large capacity feeding devices owned or possessed under such license. The colonel of state police or his designee, shall have the right to inspect all firearms owned or possessed by such club upon request during regular business hours and said colonel may revoke or suspend a club license for a violation of any provision of this chapter or chapter 269 relative to the ownership, use or possession of large capacity weapons or large capacity feeding devices.

(b) A Class B license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry: **(i)** non-large capacity firearms and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of such firearm as the licensing authority deems proper; provided, however, that a Class B license shall not entitle the holder thereof to carry or possess a loaded firearm in a concealed manner in any public way or place; and provided further, that a Class B license shall not entitle the holder thereof to possess a large capacity firearm, except under a Class A club license issued under this section or under the direct supervision of a holder of a valid Class A license at an incorporated shooting club or licensed shooting range; and **(ii)** rifles and shotguns, including large capacity rifles and shotguns, and feeding devices and ammunition therefor, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as he deems proper. A violation of a restriction provided under this paragraph, or a

restriction imposed by the licensing authority under the provisions of this paragraph, shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that the provisions of § 10 of chapter 269 shall not apply to such violation.

A Class B license shall not be a valid license for the purpose of complying with any provision under this chapter governing the purchase, sale, lease, rental or transfer of any weapon or ammunition feeding device if such weapon is a large capacity firearm or if such ammunition feeding device is a large capacity feeding device for use with a large capacity firearm, both as defined in § 121.

(c) Either a Class A or Class B license shall be valid for the purpose of owning, possessing, purchasing and transferring non-large capacity rifles and shotguns, and for purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, consistent with the entitlements conferred by a firearm identification card issued under § 129B.

(d) Any person residing or having a place of business within the jurisdiction of the licensing authority or any law enforcement officer employed by the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority or the colonel of state police, an application for a Class A license to carry firearms, or renewal of the same, which the licensing authority or the colonel may issue if it appears that the applicant is not a prohibited person, as set forth in this section, to be issued a license and has good reason to fear injury to the applicant or the applicant's property or for any other reason, including the carrying of firearms for use in sport or target practice only, subject to the restrictions expressed or authorized under this section.

A prohibited person shall be a person who:

(i) has, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, both as defined in § 52 of chapter 119, for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in § 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in § 1 of chapter 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33);

(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in § 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in said § 1 of said chapter 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33);

(iii) is or has been **(A)** committed to a hospital or institution for mental illness, alcohol or substance abuse, except a commitment pursuant to §§ 35 or 36C of chapter 123, unless after 5 years from the date of the confinement, the applicant submits with the application an affidavit of a licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in the physician's or psychologist's opinion, the applicant is not disabled by a mental illness, alcohol or substance abuse in a manner that shall prevent the applicant from possessing a firearm, rifle or shotgun; **(B)** committed by a court order to a hospital or institution for mental illness, unless the applicant was granted a petition for relief of the court order pursuant to said § 36C of said chapter 123 and submits a copy of the court order with the application; **(C)** subject to an order of the probate court appointing a guardian or conservator for an incapacitated person on the grounds that the applicant lacks the mental capacity to contract or manage the applicant's affairs, unless the applicant was granted a petition for relief of the order of the probate court pursuant to § 56C of chapter 215 and submits a copy of the order of the probate court with the application; or **(D)** found to be a person with an alcohol use disorder or substance use disorder or both and committed pursuant to said § 35 of said chapter 123, unless the applicant was granted a petition for relief of the court order pursuant to said § 35 and submits a copy of the court order with the application;

(iv) is younger than 21 years of age at the time of the application;

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

(vi) is currently subject to: **(A)** an order for suspension or surrender issued pursuant to §§ 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or **(B)** a permanent or temporary protection order issued pursuant to said chapter 209A or a similar order issued by another jurisdiction, including any order described in 18 U. S. C. 922(g)(8);

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

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

(ix) is a fugitive from justice; or

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

The licensing authority may deny the application or renewal of a license to carry, or suspend or revoke a license issued under this section if, in a reasonable exercise of discretion, the licensing authority determines that the applicant or licensee is unsuitable to be issued or to continue to hold a license to carry. A determination of unsuitability shall be based on: **(i)** reliable and credible information that the applicant or licensee has exhibited or engaged in behavior that suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or **(ii)** existing factors that suggest that, if issued a license, the applicant or licensee may create a risk to public safety. Upon denial of an application or

renewal of a license based on a determination of unsuitability, the licensing authority shall notify the applicant in writing setting forth the specific reasons for the determination in accordance with paragraph (e). Upon revoking or suspending a license based on a determination of unsuitability, the licensing authority shall notify the holder of a license in writing setting forth the specific reasons for the determination in accordance with paragraph (f). The determination of unsuitability shall be subject to judicial review under said paragraph (f).

(e) Within 7 days of the receipt of a completed application for a license to carry or possess firearms, or renewal of same, the licensing authority shall forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police, who shall within 30 days advise the licensing authority, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons from possessing a license to carry or possess firearms. In searching for any disqualifying history of the applicant, the colonel shall utilize, or cause to be utilized, files maintained by the department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System. The colonel shall inquire of the commissioner of the department of mental health relative to whether the applicant is disqualified from being so licensed. If the information available to the colonel does not indicate that the possession of a firearm or large capacity firearm by the applicant would be in violation of state or federal law, he shall certify such fact, in writing, to the licensing authority within said 30 day period.

The licensing authority may also make inquiries concerning the applicant to: **(i)** the commissioner of the department of criminal justice information services relative to any disqualifying condition and records of purchases, sales, rentals, leases and transfers of weapons or ammunition concerning the applicant; **(ii)** the commissioner of probation relative to any record contained within the department of probation or the statewide domestic violence record keeping system concerning the applicant; and **(iii)** the commissioner of the department of mental health relative to whether the applicant is a suitable person to possess firearms or is not a suitable person to possess firearms. The director or commissioner to whom the licensing authority makes such inquiry shall provide prompt and full cooperation for that purpose in any investigation of the applicant.

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

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

(f) A license issued under this section shall be revoked or suspended by the licensing authority, or his designee, upon the occurrence of any event that would have disqualified the holder from being issued such license or from having such license renewed. A license may be revoked or suspended by the licensing authority if it appears that the holder is no longer a suitable person to possess such license. Any revocation or suspension of a license shall be in writing and shall state the reasons therefor. Upon revocation or suspension, the licensing authority shall take possession of such license and the person whose license is so revoked or suspended shall take all actions required under the provisions of § 129D. No appeal or post-judgment motion shall operate to stay such revocation or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of the department of criminal justice information services and the commissioner of probation and shall be included in the criminal justice information system. A revoked or suspended license may be reinstated only upon the termination of all disqualifying conditions, if any.

Any applicant or holder aggrieved by a denial, revocation, suspension or restriction placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may, within either 90 days after receiving notice of the denial, revocation or suspension or within 90 days after the expiration of the time limit during which the licensing authority shall respond to the applicant or, in the case of a restriction, any time after a restriction is placed on the license pursuant to this section, file a petition to obtain judicial review in the district court having jurisdiction in the city or town in which the applicant filed the application or in which the license was issued. If after a hearing a justice of the court finds that there was no reasonable ground for denying, suspending, revoking or restricting the license and that the petitioner is not prohibited by law from possessing a license, the justice may order a license to be issued or reinstated to the petitioner or may order the licensing authority to remove certain restrictions placed on the license.

(g) A license shall be in a standard form provided by the executive director of the criminal history systems board in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to § 8 of chapter 90 and shall contain a license number which shall clearly indicate whether such number identifies a Class A or Class B license, the name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee. Such license shall be marked "License to Carry Firearms" and shall clearly indicate whether

the license is Class A or Class B. The application for such license shall be made in a standard form provided by the executive director of the criminal history systems board, which form shall require the applicant to affirmatively state under the pains and penalties of perjury that such applicant is not disqualified on any of the grounds enumerated above from being issued such license.

(h) Any person who knowingly files an application containing false information shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years in a house of correction, or by both such fine and imprisonment.

(i) A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue; provided, however, that, if the licensee applied for renewal before the license expired, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. If a licensee is on active duty with the armed forces of the United States on the expiration date of the license, the license shall remain valid until the licensee is released from active duty and for a period not less than 180 days following the release; provided, however, that, if the licensee applied for renewal prior to the end of that period, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. An application for renewal of a Class B license filed before the license has expired shall not extend the license beyond the stated expiration date; provided, that the Class B license shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue. Any renewal thereof shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the effective date of such license. Any license issued to an applicant born on February 29 shall expire on March 1. The fee for the application shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. For active and retired law enforcement officials, or local, state, or federal government entities acting on their behalf, the fee for the application shall be set at \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. For the purposes of § 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the stated date of expiration, unless such license to carry firearms has been revoked.

Any person over the age of 70 and any law enforcement officer applying for a license to carry firearms through his employing agency shall be exempt from the requirement of paying a renewal fee for a Class A or Class B license to carry.

(j) (1) No license shall be required for the carrying or possession of a firearm known as a detonator and commonly used on vehicles as a signaling and marking device, when carried or possessed for such signaling or marking purposes.

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

(k) Whoever knowingly issues a license in violation of this section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years in a jail or house of correction, or by both such fine and imprisonment.

(l) The executive director of the criminal history systems board shall send electronically or by first class mail to the holder of each such license to carry firearms, a notice of the expiration of such license not less than 90 days prior to such expiration and shall enclose therein a form for the renewal of such license. The form for renewal shall include an affidavit in which the applicant shall verify that the applicant has not lost any firearms or had any firearms stolen from the applicant since the date of the applicant's last renewal or issuance. The taking of fingerprints shall not be required in issuing the renewal of a license if the renewal applicant's fingerprints are on file with the department of the state police. Any licensee shall notify, in writing, the licensing authority who issued said license, the chief of police into whose jurisdiction the licensee moves and the executive director of the criminal history systems board of any change of address. Such notification shall be made by certified mail within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of said license. The commissioner of criminal justice information services shall provide electronic notice of expiration only upon the request of a cardholder. A request for electronic notice of expiration shall be forwarded to the department on a form furnished by the commissioner. Any electronic address maintained by the department for the purpose of providing electronic notice of expiration shall be considered a firearms record and shall not be disclosed except as provided in § 10 of chapter 66.

(m) Notwithstanding the provisions of § 10 of chapter 269, any person in possession of a firearm, rifle or shotgun whose license issued under this section is invalid for the sole reason that it has expired, not including licenses that remain valid under paragraph (i) because the licensee applied for renewal before the license expired, but who shall not be disqualified from renewal upon application therefor pursuant to this section, shall be subject to a civil fine of not less than \$100 nor more than \$5,000 and the provisions of § 10 of chapter 269 shall not apply; provided, however, that the exemption from the provisions of said § 10 of said chapter 269 provided herein shall not apply if: **(i)** such license has been revoked or suspended, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; **(ii)** revocation or suspension of such license is pending, unless such revocation or suspension was

caused by failure to give notice of a change of address as required under this section; or **(iii)** an application for renewal of such license has been denied. Any law enforcement officer who discovers a person to be in possession of a firearm, rifle or shotgun after such person's license has expired, meaning after 90 days beyond the stated expiration date on the license, has been revoked or suspended, solely for failure to give notice of a change of address, shall confiscate such firearm, rifle or shotgun and the expired or suspended license then in possession and such officer, shall forward such license to the licensing authority by whom it was issued as soon as practicable. The officer shall, at the time of confiscation, provide to the person whose firearm, rifle or shotgun has been confiscated, a written inventory and receipt for all firearms, rifles or shotguns confiscated and the officer and his employer shall exercise due care in the handling, holding and storage of these items. Any confiscated weapon shall be returned to the owner upon the renewal or reinstatement of such expired or suspended license within one year of such confiscation or may be otherwise disposed of in accordance with the provisions of § 129D. The provisions of this paragraph shall not apply if such person has a valid license to carry firearms issued under § 131F.

(n) Upon issuance of a license to carry or possess firearms under this section, the licensing authority shall forward a copy of such approved application and license to the executive director of the criminal history systems board, who shall inform the licensing authority forthwith of the existence of any disqualifying condition discovered or occurring subsequent to the issuance of a license under this section.

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

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

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

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

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

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

§ 131. Firearms – Possession – License to Carry. [Effective January 1, 2021] The issuance and possession of a license to carry firearms shall be subject to the following conditions and restrictions:

(a) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow, possess and carry: **(i)** firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority considers proper; and **(ii)** rifles and shotguns, including large capacity weapons, and feeding devices and ammunition therefor, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it considers proper. A violation of a restriction imposed by the licensing authority under this paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that § 10 of chapter 269 shall not apply to a violation of this paragraph.

(b) The colonel of state police may, after an investigation, grant a license to a club or facility with an on-site shooting range or gallery, which club is incorporated under the laws of the commonwealth for the possession, storage and use of large capacity weapons, ammunition therefor and large capacity feeding devices for use with such weapons on the premises of the club; provided, however, that not less than 1 shareholder of the club shall be qualified and suitable to be issued a license; and provided further, that such large capacity weapons and ammunition feeding devices may be used under the club license only by a member that possesses a valid firearm identification card issued pursuant to § 129B or a valid license to carry firearms, or by such other person that the club permits while under the direct supervision of a certified firearms safety instructor or club member who, in the case of a large capacity firearm, possesses a valid license to carry firearms or, in the case of a large capacity rifle or shotgun, possesses a valid license to carry firearms. The club shall not permit shooting at targets that depict human figures, human effigies, human silhouettes or any human images thereof, except by public safety personnel performing in line with their official duties.

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

or possession of large capacity weapons or large capacity feeding devices.

(c) A license to carry firearms shall be valid to own, possess, purchase and transfer non-large capacity rifles and shotguns, consistent with the entitlements conferred by a firearm identification card issued under § 129B.

(d) A person residing or having a place of business within the jurisdiction of the licensing authority or any law enforcement officer employed by the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority or the colonel of state police an application for a license to carry firearms, or renewal of the same, which the licensing authority or the colonel may issue if it appears that the applicant is not a prohibited person as set forth in this section to be issued a license and that the applicant has good reason to fear injury to the applicant or the applicant's property or for any other reason, including the carrying of firearms for use in sport or target practice only, subject to the restrictions expressed or authorized under this section.

A prohibited person shall be a person who:

(i) has, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, both as defined in § 52 of chapter 119, for the commission of **(A)** a felony; **(B)** a misdemeanor punishable by imprisonment for more than 2 years; **(C)** a violent crime as defined in § 121; **(D)** a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; **(E)** a violation of any law regulating the use, possession or sale of a controlled substance as defined in § 1 of chapter 94C including, but not limited to, a violation of said chapter 94C; or **(F)** a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33);

(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of **(A)** a felony; **(B)** a misdemeanor punishable by imprisonment for more than 2 years; **(C)** a violent crime as defined in § 121; **(D)** a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; **(E)** a violation of any law regulating the use, possession or sale of a controlled substance as defined in said § 1 of said chapter 94C including, but not limited to, a violation of said chapter 94C; or **(F)** a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33);

(iii) is or has been **(A)** committed to a hospital or institution for mental illness, alcohol or substance abuse, except a commitment pursuant to §§ 35 or 36C of chapter 123, unless after 5 years from the date of the confinement, the applicant submits with the application an affidavit of a licensed physician or clinical psychologist attesting that such physician or psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in the physician's or psychologist's opinion, the applicant is not disabled by a mental illness, alcohol or substance abuse in a manner that shall prevent the applicant from possessing a firearm, rifle or shotgun; **(B)** committed by a court order to a hospital or institution for mental illness, unless the applicant was granted a petition for relief of the court order pursuant to said § 36C of said chapter 123 and submits a copy of the court order with the application; **(C)** subject to an order of the probate court appointing a guardian or conservator for an incapacitated person on the grounds that the applicant lacks the mental capacity to contract or manage the applicant's affairs, unless the applicant was granted a petition for relief of the order of the probate court pursuant to § 56C of chapter 215 and submits a copy of the order of the probate court with the application; or **(D)** found to be a person with an alcohol use disorder or substance use disorder or both and committed pursuant to said § 35 of said chapter 123, unless the applicant was granted a petition for relief of the court order pursuant to said § 35 and submits a copy of the court order with the application;

(iv) is younger than 21 years of age at the time of the application;

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

(vi) is currently subject to: **(A)** an order for suspension or surrender issued pursuant to §§ 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or **(B)** a permanent or temporary protection order issued pursuant to said chapter 209A or a similar order issued by another jurisdiction, including any order described in 18 U. S. C. 922(g)(8);

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

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

(ix) is a fugitive from justice; or

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

The licensing authority may deny the application or renewal of a license to carry, or suspend or revoke a license issued under this section if, in a reasonable exercise of discretion, the licensing authority determines that the applicant or licensee is unsuitable to be issued or to continue to hold a license to carry. A determination of unsuitability shall be based on: **(i)** reliable and credible information that the applicant or licensee has exhibited or engaged in behavior that suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or **(ii)** existing factors that suggest that, if issued a license, the applicant or licensee may create a risk to public safety. Upon denial of an application or renewal of a license based on a determination of unsuitability, the licensing authority shall notify the applicant in writing setting forth the specific reasons for the determination in accordance with paragraph (e). Upon revoking or suspending a license based on a determination of unsuitability, the licensing authority shall notify the holder of a license in writing setting forth the specific reasons for the determination in accordance with paragraph (f). The determination of unsuitability shall be subject to judicial review under said paragraph (f).

(e) Within 7 days of the receipt of a completed application for a license to carry or possess firearms, or renewal of same, the licensing authority shall forward 1 copy of the application and 1 copy of the applicant's fingerprints to the colonel of state police, who shall within 30 days advise the licensing authority, in writing, of any disqualifying criminal record of the

applicant arising from within or without the commonwealth and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons from possessing a license to carry or possess firearms. In searching for any disqualifying history of the applicant, the colonel shall utilize, or cause to be utilized, files maintained by the department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System. The colonel shall inquire of the commissioner of the department of mental health relative to whether the applicant is disqualified from being so licensed. If the information available to the colonel does not indicate that the possession of a firearm or large capacity firearm by the applicant would be in violation of state or federal law, he shall certify such fact, in writing, to the licensing authority within said 30 day period.

The licensing authority may also make inquiries concerning the applicant to: **(i)** the commissioner of the department of criminal justice information services relative to any disqualifying condition and records of purchases, sales, rentals, leases and transfers of weapons or ammunition concerning the applicant; **(ii)** the commissioner of probation relative to any record contained within the department of probation or the statewide domestic violence record keeping system concerning the applicant; and **(iii)** the commissioner of the department of mental health relative to whether the applicant is a suitable person to possess firearms or is not a suitable person to possess firearms. The director or commissioner to whom the licensing authority makes such inquiry shall provide prompt and full cooperation for that purpose in any investigation of the applicant.

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

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

(f) A license issued under this section shall be revoked or suspended by the licensing authority, or his designee, upon the occurrence of any event that would have disqualified the holder from being issued such license or from having such license renewed. A license may be revoked or suspended by the licensing authority if it appears that the holder is no longer a suitable person to possess such license. Any revocation or suspension of a license shall be in writing and shall state the reasons therefor. Upon revocation or suspension, the licensing authority shall take possession of such license and the person whose license is so revoked or suspended shall take all actions required under the provisions of § 129D. No appeal or post-judgment motion shall operate to stay such revocation or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of the department of criminal justice information services and the commissioner of probation and shall be included in the criminal justice information system. A revoked or suspended license may be reinstated only upon the termination of all disqualifying conditions, if any.

Any applicant or holder aggrieved by a denial, revocation, suspension or restriction placed on a license, unless a hearing has previously been held pursuant to chapter 209A, may, within either 90 days after receiving notice of the denial, revocation or suspension or within 90 days after the expiration of the time limit during which the licensing authority shall respond to the applicant or, in the case of a restriction, any time after a restriction is placed on the license pursuant to this section, file a petition to obtain judicial review in the district court having jurisdiction in the city or town in which the applicant filed the application or in which the license was issued. If after a hearing a justice of the court finds that there was no reasonable ground for denying, suspending, revoking or restricting the license and that the petitioner is not prohibited by law from possessing a license, the justice may order a license to be issued or reinstated to the petitioner or may order the licensing authority to remove certain restrictions placed on the license.

(g) A license shall be in a standard form provided by the commissioner of criminal justice information services in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to § 8 of chapter 90 and shall contain a license number which shall clearly indicate the name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee. The license shall be clearly marked "License to Carry Firearms". The license shall provide in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline and the Samaritans Statewide Helpline. The application for such license shall be made in a standard form provided by the executive director of the criminal history systems board, which form shall require the applicant to affirmatively state under the pains and penalties of perjury that such applicant is not disqualified on any of the grounds enumerated above from being issued such license.

(h) Any person who knowingly files an application containing false information shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years in a house of correction, or by both such fine and imprisonment.

(i) A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6

years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue; provided, however, that, if the licensee applied for renewal before the license expired, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. If a licensee is on active duty with the armed forces of the United States on the expiration date of the license, the license shall remain valid until the licensee is released from active duty and for a period not less than 180 days following the release; provided, however, that, if the licensee applied for renewal prior to the end of that period, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. An application for renewal of a Class B license filed before the license has expired shall not extend the license beyond the stated expiration date; provided, that the Class B license shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue. If a licensee is on active duty with the armed forces of the United States on the expiration date of the license, the license shall remain valid until the licensee is released from active duty and for a period not less than 180 days following the release; provided, however, that, if the licensee applied for renewal prior to the end of that period, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. The fee for the application shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. For active and retired law enforcement officials, or local, state, or federal government entities acting on their behalf, the fee for the application shall be set at \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. For the purposes of § 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the stated date of expiration, unless such license to carry firearms has been revoked.

Any person over the age of 70 and any law enforcement officer applying for a license to carry firearms through his employing agency shall be exempt from the requirement of paying a renewal fee for a Class A or Class B license to carry.

(j) (1) No license shall be required for the carrying or possession of a firearm known as a detonator and commonly used on vehicles as a signaling and marking device, when carried or possessed for such signaling or marking purposes.

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

(k) Whoever knowingly issues a license in violation of this section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years in a jail or house of correction, or by both such fine and imprisonment.

(l) The executive director of the criminal history systems board shall send electronically or by first class mail to the holder of each such license to carry firearms, a notice of the expiration of such license not less than 90 days prior to such expiration and shall enclose therein a form for the renewal of such license. The form for renewal shall include an affidavit in which the applicant shall verify that the applicant has not lost any firearms or had any firearms stolen from the applicant since the date of the applicant's last renewal or issuance. The taking of fingerprints shall not be required in issuing the renewal of a license if the renewal applicant's fingerprints are on file with the department of the state police. Any licensee shall notify, in writing, the licensing authority who issued said license, the chief of police into whose jurisdiction the licensee moves and the executive director of the criminal history systems board of any change of address. Such notification shall be made by certified mail within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of said license. The commissioner of criminal justice information services shall provide electronic notice of expiration only upon the request of a cardholder. A request for electronic notice of expiration shall be forwarded to the department on a form furnished by the commissioner. Any electronic address maintained by the department for the purpose of providing electronic notice of expiration shall be considered a firearms record and shall not be disclosed except as provided in § 10 of chapter 66.

(m) Notwithstanding the provisions of § 10 of chapter 269, any person in possession of a firearm, rifle or shotgun whose license issued under this section is invalid for the sole reason that it has expired, not including licenses that remain valid under paragraph (i) because the licensee applied for renewal before the license expired, but who shall not be disqualified from renewal upon application therefor pursuant to this section, shall be subject to a civil fine of not less than \$100 nor more than \$5,000 and the provisions of § 10 of chapter 269 shall not apply; provided, however, that the exemption from the provisions of said § 10 of said chapter 269 provided herein shall not apply if: **(i)** such license has been revoked or suspended, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; **(ii)** revocation or suspension of such license is pending, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; or **(iii)** an application for renewal of such license has been denied. Any law enforcement officer who discovers a person to be in possession of a firearm, rifle or shotgun after such person's license has expired, meaning after 90 days beyond the stated expiration date on the license, has been revoked or suspended, solely for failure to give notice of a change of address, shall confiscate such firearm, rifle or shotgun and the expired or suspended license then in possession and such officer, shall forward such license to the licensing authority by whom it was issued as soon as practicable. The officer shall, at the time of

confiscation, provide to the person whose firearm, rifle or shotgun has been confiscated, a written inventory and receipt for all firearms, rifles or shotguns confiscated and the officer and his employer shall exercise due care in the handling, holding and storage of these items. Any confiscated weapon shall be returned to the owner upon the renewal or reinstatement of such expired or suspended license within 1 year of such confiscation or may be otherwise disposed of in accordance with the provisions of § 129D. The provisions of this paragraph shall not apply if such person has a valid license to carry firearms issued under § 131F.

(n) Upon issuance of a license to carry or possess firearms under this section, the licensing authority shall forward a copy of such approved application and license to the executive director of the criminal history systems board, who shall inform the licensing authority forthwith of the existence of any disqualifying condition discovered or occurring subsequent to the issuance of a license under this section.

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

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

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

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

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

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

§ 131 3/4. Roster of Large Capacity Rifles, Shotguns, Firearms, and Feeding Devices. The secretary of public safety shall, with the advice of the gun control advisory board established pursuant to the provisions of § 131 1/2, compile and publish a roster of large capacity rifles, shotguns, firearms and feeding devices, all as defined in § 121, and such weapons referred to in clauses Eighteenth to Twenty-first, inclusive, of § 123.

The secretary shall, not less than 3 times annually, publish the roster in newspapers of general circulation throughout the commonwealth, and shall send a copy thereof to all dealers licensed in the commonwealth under the provisions of said § 122 of said chapter 140; and further, the licensing authority shall furnish said roster to all cardholders and licensees upon initial issuance and upon every renewal of the same.

The secretary may amend the roster upon his own initiative or with the advice of said board. A person may petition the secretary to place a weapon on, or remove a weapon from, the roster, subject to the provisions of this section. A person who so petitions shall give the reasons why the roster should be so amended.

A petition to amend the roster shall be submitted in writing to the secretary and shall be in the form and manner prescribed by the secretary. Upon receipt of the petition to place a weapon on the roster, the secretary shall, within 45 days of receipt of the petition, either notify the petitioner by certified mail that the petition is denied, or it shall modify the roster. An addition to the roster shall be effective on the date it is included in the next publication in newspapers of general circulation as provided under this section.

The secretary may promulgate rules and regulations relative to the appeal of a decision on a petition to modify the roster and any other regulations consistent with the provisions of this section and § 2SS of chapter 29, §§ 11 and 14 of chapter 131, §§ 121, 122, 122B, 123, 128, 128A, 128B, 129B, 129C, 129D, 130, 131, 131A, 131E, 131F and 131K of chapter 140 to effectuate the purposes of each said section.

§ 131A. Firearms – Purchase – License to Purchase, Rent or Lease. A licensing authority under § 131, upon the application of a person qualified to be granted a license thereunder by such authority, may grant to such a person, other than a minor, a permit to purchase, rent or lease a firearm if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. The colonel of the state police or a person authorized by him, upon the application of a person licensed under § 131F, may grant to such licensee, other than a minor, a permit to purchase, rent or lease a firearm, rifle or shotgun, or to purchase ammunition therefor, if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. Such permits shall be issued on forms furnished by the commissioner of the department of criminal justice information services, shall be valid for not more than 10 days after issue, and a copy of every such permit so issued shall within 1 week thereafter be sent to the said executive director. The licensing authority may impose such restrictions relative to the caliber and capacity of the firearm to be purchased, rented or leased as he deems proper. Whoever knowingly issues a permit in violation of this section shall be punished by a fine of not less than \$500 nor more than \$1,000 and by imprisonment for not less than 6 months nor more than 2 years in a jail or house of correction.

The fee for the permits shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund.

§ 131B. Firearms – Possession – Loans Secured by Firearms. Whoever loans money secured by mortgage, deposit or pledge of a firearm, rifle, shotgun or machine gun shall be punished by a fine of not more than \$500 or by imprisonment for not more than 1 year, or by both; provided, however that nothing herein shall prohibit a bank or other institutional

lender from loaning money secured by a mortgage, deposit, or pledge of a firearm, rifle, shotgun or machine gun to a manufacturer, wholesaler, or dealer of firearms, rifles, or shotguns. The provisions of § 123 shall not be applicable to any such mortgage, deposit or pledge unless or until the lender takes possession of the collateral upon default or the collateral is removed from the premises of the debtor.

§ 131C. Firearms – Possession – License to Carry – Vehicles. [Effective until January 1, 2021]

(a) No person carrying a loaded firearm under a Class A license issued under § 131 or 131F shall carry the same in a vehicle unless such firearm while carried therein is under the direct control of such person. Whoever violates the provisions of this subsection shall be punished by a fine of \$ 500.

(b) No person carrying a firearm under a Class B license issued under § 131 or 131F shall possess the same in a vehicle unless such weapon is unloaded and contained within the locked trunk of such vehicle or in a locked case or other secure container. Whoever violates the provisions of this subsection shall be punished by a fine of \$500.

(c) No person possessing a large capacity rifle or shotgun under a Class A or Class B license issued under § 131 or 131F shall possess the same in a vehicle unless such weapon is unloaded and contained within the locked trunk of such vehicle or in a locked case or other secure container. Whoever violates the provisions of this subsection shall be punished by a fine of not less than \$500 nor more than \$5,000.

(d) The provisions of this section shall not apply to **(i)** any officer, agent or employee of the commonwealth or any state or the United States; **(ii)** any member of the military or other service of any state or of the United States; **(iii)** any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the weapon so carried or possessed and is acting within the scope of his duties.

(e) A conviction of a violation of this section shall be reported forthwith by the court or magistrate to the licensing authority who shall immediately revoke the card or license of the person so convicted. No new such card or license may be issued to any such person until one year after the date of revocation.

§ 131C. Firearms – Possession – License to Carry – Vehicles. [Effective January 1, 2021]

(a) No person carrying a loaded firearm under a license issued pursuant to § 131 or 131F shall carry the loaded firearm in a vehicle unless the loaded firearm while carried in the vehicle is under the direct control of the person. Whoever violates this subsection shall be punished by a fine of \$500.

(b) No person possessing a large capacity rifle or shotgun under a license issued pursuant to § 131 or 131F shall possess the large capacity rifle or shotgun in a vehicle unless the large capacity rifle or shotgun is unloaded and contained within the locked trunk of the vehicle or in a locked case or other secure container. Whoever violates this subsection shall be punished by a fine of not less than \$500 nor more than \$5,000.

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

(d) A conviction of a violation of this section shall be reported immediately by the court or magistrate to the licensing authority. The licensing authority shall immediately revoke the firearm identification card or license of the person convicted of a violation of this section. No new firearm identification card or license may be issued to a person convicted of a violation of this section until 1 year after the date of revocation of the firearm identification card or license.

§ 131E. Firearms – Purchase – Limitations. [Effective until January 1, 2021] A resident of the commonwealth may purchase firearms, rifles, shotguns and ammunition feeding devices from a dealer licensed pursuant to § 122 or from a person qualified pursuant to § 128A or may purchase ammunition from a licensee under § 122B subject to the following conditions and restrictions:

(a) rifles, shotguns and feeding devices therefor may be so purchased only upon presentment of: **(i)** a valid firearm identification card issued pursuant to § 129B; **(ii)** a valid license to carry firearms issued pursuant to § 131; or **(iii)** valid proof of exempt status under § 129C; provided, however, that large capacity rifles and shotguns and large capacity feeding devices therefor may be so purchased only upon presentment of a license to carry firearms issued pursuant to said § 131; and provided further, that no rifle, shotgun, ammunition or ammunition feeding device therefor shall be sold to a person younger than 18 years of age; and provided further, that no large capacity rifle, shotgun or large capacity feeding device therefor shall be sold to a person younger than 21 years of age; and

(b) firearms and feeding devices therefor, including large capacity firearms and large capacity feeding devices therefor, may be so purchased only upon presentment of: **(i)** a valid license to carry firearms issued pursuant to § 131; **(ii)** a valid firearm identification card issued pursuant to § 129B; or **(iii)** valid proof of exempt status under § 129C; provided, however, that neither a firearm identification card issued pursuant to said § 129B nor proof of exempt status under said § 129C shall be valid to purchase a firearm or ammunition feeding device therefor, including large capacity firearms and large capacity feeding devices therefor, without being presented together with a valid and proper permit to purchase issued under § 131A; and provided further, that an alien permit to possess a rifle or shotgun shall not be valid to purchase firearms, ammunition or ammunition feeding devices therefor; and provided further, that no firearm, ammunition or ammunition feeding device therefor shall be sold to a person younger than 21 years of age.

A firearms collector, licensed pursuant to 18 U.S.C. 923(b), may purchase a rifle, shotgun or firearm that was not

previously owned or registered in the commonwealth from a dealer licensed under § 122 if that rifle, shotgun or firearm is a curio or relic as defined in 27 CFR 478.11.

A person who uses a license to carry firearms or a firearm identification card to purchase a firearm, rifle or shotgun for the unlawful use of another or for resale to or giving to an unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 or by imprisonment for not less than 2 1/2 years nor more than 10 years in a state prison or by both such fine and imprisonment. A conviction of a violation of this section shall be reported immediately by the court to the licensing authority that issued the license or firearm identification card. The licensing authority shall immediately revoke the license or firearm identification card pursuant to said § 129B or said § 131 and no license shall be issued to a person convicted of a violation of this section within 2 years after the date of the revocation of the license or firearm identification card.

§ 131E. Firearms – Purchase – Limitations. [Effective January 1, 2021] Any resident of the commonwealth may purchase firearms, rifles, shotguns and ammunition feeding devices from any dealer licensed under § 122, or from such person as shall be qualified under § 128A, or ammunition from a licensee under § 122B, subject to the following conditions and restrictions:

(a) rifles, shotguns and feeding devices therefor may be so purchased only upon presentment of: (i) a valid firearm identification card issued under § 129B; or (ii) a valid Class A or Class B license to carry firearms issued under § 131; or (iii) valid proof of exempt status under § 129C; provided, however, that large capacity rifles and shotguns and large capacity feeding devices therefor may be so purchased only upon presentment of a Class A or Class B license to carry firearms issued under said § 131; and provided further, that no rifle or shotgun or ammunition or ammunition feeding device therefor shall be sold to any person less than 18 years of age; and provided further, that no large capacity rifle or shotgun or large capacity feeding device therefor shall be sold to any person less than 21 years of age;

(b) firearms and feeding devices therefor may be so purchased only upon presentment of: **(i)** a valid Class A or Class B license to carry firearms issued under § 131; or **(ii)** a valid firearm identification card issued under § 129B together with a valid permit to purchase a firearm issued under § 131A; or **(iii)** a valid permit to purchase a firearm issued under § 131A together with valid proof of exempt status under § 129C; provided, however, that large capacity firearms and large capacity feeding devices therefor may be so purchased only upon presentment of: **(i)** a valid Class A license to carry firearms issued under § 131; or **(ii)** a valid firearm identification card issued under § 129B together with a valid and proper permit to purchase a firearm issued under § 131A; or **(iii)** a valid and proper permit to purchase a firearm issued under § 131A together with valid proof of exempt status under § 129C; and provided further, that neither a firearm identification card issued under § 129B, nor proof of exempt status under § 129C, shall be valid for the purpose of purchasing any firearm or ammunition feeding device therefor without being presented together with a valid and proper permit to purchase issued under § 131A; and provided further, that an alien permit to possess a rifle or shotgun shall not be valid for the purpose of purchasing firearms or ammunition or ammunition feeding devices therefor; and provided further, that no firearm or ammunition or ammunition feeding device therefor shall be sold to any person less than 21 years of age.

Any person who uses said license to carry firearms or firearm identification card for the purpose of purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to an unlicensed person, shall be punished by a fine of not less than \$1,000 nor more than \$50,000, or by imprisonment for not less than 2 1/2 years nor more than 10 years in a state prison, or by both such fine and imprisonment. A conviction of a violation of this section shall be reported forthwith by the court to the licensing authority which issued the license or firearm identification card, which shall immediately revoke the license or firearm identification card of such person. No new license or firearm identification card under § 129B or § 131 shall be issued to any such person within 2 years after the date of said revocation.

§ 131F. Firearms – Possession – License to Carry – Nonresidents and Noncitizens. [Effective until January 1, 2021] A Class A or Class B temporary license to carry firearms or feeding devices or ammunition therefor, within the commonwealth, may be issued by the colonel of state police, or persons authorized by him, to a nonresident or any person not falling within the jurisdiction of a local licensing authority or to an alien that resides outside the commonwealth for purposes of firearms competition and subject to such terms and conditions as said colonel may deem proper; provided, however, that no license shall be issued to a person who:

(i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of **(A)** a felony; **(B)** a misdemeanor punishable by imprisonment for more than 2 years; **(C)** a violent crime as defined in § 121; **(D)** a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; **(E)** a violation of any law regulating the use, possession or sale of a controlled substance as defined in § 1 of chapter 94C; or **(F)** a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33).

(ii) has been confined to any hospital or institution for mental illness, unless the applicant submits with his application an affidavit of a registered physician attesting that such physician is familiar with the applicant's mental illness and that in such physician's opinion the applicant is not disabled by such an illness in a manner that should prevent such applicant from possessing a firearm;

(iii) is or has been under treatment for or confinement for drug addiction or habitual drunkenness, unless such applicant is deemed to be cured of such condition by a licensed physician, and such applicant may make application for said license after the expiration of 5 years from the date of such confinement or treatment and upon presentment of an affidavit issued by such physician stating that such physician knows the applicant's history of treatment and that in such physician's

opinion the applicant is deemed cured;

(iv) is currently subject to: (A) an order for suspension or surrender issued pursuant to § 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

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

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

(vii) is a fugitive from justice;

(viii) having been a citizen of the United States, has renounced that citizenship;

(ix) not being a citizen or national of the United States, is illegally or unlawfully in the United States; or

(x) not being a citizen or national of the United States, has been admitted to the United States under a nonimmigrant visa as defined in 8 U. S. C. 1101(a)(26), unless the person has been admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States or another exception set forth in 18 U. S. C. 922(y)(2) applies.

Such license shall be valid for a period of 1 year but the colonel may renew such license, if in his discretion, such renewal is necessary.

The colonel may also issue such license, subject to such terms and conditions as he deems proper, to any resident of the commonwealth for the purposes of sports competition.

A temporary license issued under this section shall be marked "Temporary License to Carry Firearms", shall clearly indicate whether it is Class A or Class B and shall not be used to purchase firearms in the commonwealth as provided under § 131E. Neither a large capacity firearm nor large capacity feeding device therefor may be carried unless such person has been issued a Class A license; provided, however, that the colonel may permit a Class A or Class B licensee to possess large capacity rifles or shotguns or both, and such entitlement shall be clearly indicated on such license. The fee for an application for the license shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. A license issued under the provisions of this section to a nonresident who is in the employ of a bank, public utility corporation, or a firm engaged in the business of transferring monies, or business of similar nature, or a firm licensed as a private detective under the provisions of chapter 147, and whose application is endorsed by his employer, or who is a member of the armed services and is stationed within the territorial boundaries of the commonwealth and has the written consent of his commanding officer, may be issued for any term not to exceed 2 years, and said licenses shall expire in accordance with the provisions of § 131.

A license, otherwise in accordance with provisions of this section, may be issued to a nonresident employee, whose application is endorsed by his employer, of a federally licensed Massachusetts manufacturer of machine guns to possess within the commonwealth a machine gun for the purpose of transporting or testing relative to the manufacture of machine guns, and the license shall be marked "temporary license to possess a machine gun" and may be issued for any term not to exceed 2 years and shall expire in accordance with the provisions of § 131.

§ 131F. Firearms – Possession – License to Carry – Nonresidents and Noncitizens. [Effective January 1, 2021]

A temporary license to carry firearms or feeding devices or ammunition therefor, within the commonwealth, may be issued by the colonel of state police, or persons authorized by him, to a nonresident or any person not falling within the jurisdiction of a local licensing authority or to an alien that resides outside the commonwealth for purposes of firearms competition and subject to such terms and conditions as said colonel may deem proper; provided, however, that no license shall be issued to a person who:

(i) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in § 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in § 1 of chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U. S. C. 921(a)(33).

(ii) has been confined to any hospital or institution for mental illness, unless the applicant submits with his application an affidavit of a registered physician attesting that such physician is familiar with the applicant's mental illness and that in such physician's opinion the applicant is not disabled by such an illness in a manner that should prevent such applicant from possessing a firearm;

(iii) is or has been under treatment for or confinement for drug addiction or habitual drunkenness, unless such applicant is deemed to be cured of such condition by a licensed physician, and such applicant may make application for said license after the expiration of 5 years from the date of such confinement or treatment and upon presentation of an affidavit issued by such physician stating that such physician knows the applicant's history of treatment and that in such physician's opinion the applicant is deemed cured;

(iv) is currently subject to: (A) an order for suspension or surrender issued pursuant to § 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction;

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

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

(vii) is a fugitive from justice;

(viii) having been a citizen of the United States, has renounced that citizenship;

(ix) not being a citizen or national of the United States, is illegally or unlawfully in the United States; or

(x) not being a citizen or national of the United States, has been admitted to the United States under a nonimmigrant visa as defined in 8 U. S. C. 1101(a)(26), unless the person has been admitted to the United States for lawful hunting or sporting purposes or is in possession of a hunting license or permit lawfully issued in the United States or another exception set forth in 18 U. S. C. 922(y)(2) applies.

Such license shall be valid for a period of one year but the colonel may renew such license, if in his discretion, such renewal is necessary.

The colonel may also issue such license, subject to such terms and conditions as he deems proper, to any resident of the commonwealth for the purposes of sports competition.

A temporary license issued pursuant to this section shall be clearly marked "Temporary License to Carry Firearms" and shall not be used to purchase firearms in the commonwealth as provided in § 131E. A large capacity firearm and a large capacity feeding device therefor may be carried if the person has been issued a license. The colonel may permit a licensee to possess a large capacity rifle or shotgun or both; provided, however, that this entitlement shall be clearly indicated on the license. The fee for an application for the license shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. A license issued under the provisions of this section to a nonresident who is in the employ of a bank, public utility corporation, or a firm engaged in the business of transferring monies, or business of similar nature, or a firm licensed as a private detective under the provisions of chapter 147, and whose application is endorsed by his employer, or who is a member of the armed services and is stationed within the territorial boundaries of the commonwealth and has the written consent of his commanding officer, may be issued for any term not to exceed 2 years, and said licenses shall expire in accordance with the provisions of § 131.

A license, otherwise in accordance with provisions of this section, may be issued to a nonresident employee, whose application is endorsed by his employer, of a federally licensed Massachusetts manufacturer of machine guns to possess within the commonwealth a machine gun for the purpose of transporting or testing relative to the manufacture of machine guns, and the license shall be marked "temporary license to possess a machine gun" and may be issued for any term not to exceed 2 years and shall expire in accordance with the provisions of § 131.

§ 131F 1/2. Firearms – Possession – License to Carry – Temporary. Notwithstanding the provisions of subsection (a) of § 10 of chapter 269 of the General Laws or any other law to the contrary, the carrying or possession of a firearm and blank ammunition therefor, during the course of any television, movie, stage or other similar theatrical production, by a person within such production, shall be authorized; provided, however, that such carrying or possession of such firearm shall be under the immediate supervision of a person licensed to carry firearms.

§ 131G. Firearms – Possession – License to Carry – Nonresidents – Exceptions. Any person who is not a resident of the commonwealth may carry a pistol or revolver in or through the commonwealth for the purpose of taking part in a pistol or revolver competition or attending any meeting or exhibition of any organized group of firearm collectors or for the purpose of hunting; provided, that such person is a resident of the United States and has a permit or license to carry firearms issued under the laws of any state, district or territory thereof which has licensing requirements which prohibit the issuance of permits or licenses to persons who have been convicted of a felony or who have been convicted of the unlawful use, possession or sale of narcotic or harmful drugs; provided, further, that in the case of a person traveling in or through the commonwealth for the purpose of hunting, he has on his person a hunting or sporting license issued by the commonwealth or by the state of his destination. Police officers and other peace officers of any state, territory or jurisdiction within the United States duly authorized to possess firearms by the laws thereof shall, for the purposes of this section, be deemed to have a permit or license to carry firearms as described in this section.

§ 131H. Firearms – Possession – License to Carry – Noncitizens – Penalties. No alien shall own or have in his possession or under his control a firearm except as provided in § 131F or a rifle or shotgun except as provided in this section or § 131F. The colonel of the state police may, after an investigation, issue a permit to an alien to own or have in his possession or under his control a rifle or shotgun; subject to such terms and conditions as said colonel may deem proper. The fee for the permit shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. ... Upon issuing such permit said colonel shall so notify, in writing, the chief of police or the board or officer having control of the police in the city or town in which such alien resides. Each such permit card shall expire at 12 midnight on December thirty-first next succeeding the effective date of said permit, and shall be revocable for cause by said colonel. In case of revocation, the fee for such permit shall not be prorated or refunded. Whenever any such permit is revoked, said colonel shall give notification as hereinbefore provided. The permit issued to an alien under this section shall be subject to §§ 129B and 129C except as otherwise provided by this section.

Violation of any provision of this section shall be punished by a fine of not less than \$500 nor more than \$1,000, and by imprisonment for not more than 6 months in a jail or house of correction. If, in any prosecution for violation of this section, the defendant alleges that he has been naturalized, or alleges that he is a citizen of the United States, the burden of proving the same shall be upon him. Any firearm, rifle or shotgun owned by an alien or in his possession or under his

control in violation of this section shall be forfeited to the commonwealth. Any such firearm, rifle or shotgun may be the subject of a search warrant as provided in chapter 276.

The director of law enforcement of the department of fisheries, wildlife and environmental law enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers and deputy environmental police officers, wardens as defined in § 1 of chapter 131 and members of the state police in areas over which they have jurisdiction, and all officers qualified to serve criminal process shall arrest, without a warrant, any person found with a firearm, rifle or shotgun in his possession if they have reason to believe that he is an alien and if he does not have in his possession a valid permit as provided in this section.

§ 131 I. Firearms – Possession – License to Carry – Fraud – Penalties. Whoever falsely makes, alters, forges or counterfeits or procures or assists another to falsely make, alter, forge or counterfeit a license to carry a firearm or a firearm identification card, or whoever forges or without authority uses the signature, facsimile of the signature, or validating signature stamp of the licensing authority or its designee, or whoever possesses, utters, publishes as true or in any way makes use of a falsely made, altered, forged or counterfeited license to carry a firearm or a firearm identification card, shall be punished by imprisonment in a state prison for not more than 5 years or in a jail or house of correction for not more than 2 years, or by a fine of not less than \$500, or both such fine and imprisonment.

§ 131K. Firearms – Safety Device – Liability. Any firearm or large capacity weapon, both as defined in § 121, sold within the commonwealth without a safety device designed to prevent the discharge of such weapon by unauthorized users and approved by the colonel of state police including, but not limited to, mechanical locks or devices designed to recognize and authorize, or otherwise allow the firearm to be discharged only by its owner or authorized user, by solenoid use-limitation devices, key activated or combination trigger or handle locks, radio frequency tags, automated fingerprint identification systems or voice recognition, provided, that such device is commercially available, shall be defective and the sale of such a weapon shall constitute a breach of warranty under § 2-314 of chapter 106 and an unfair or deceptive trade act or practice under § 2 of chapter 93A. Any entity responsible for the manufacture, importation or sale as an inventory item or consumer good, both as defined in § 9-102 of chapter 106, of such a weapon that does not include or incorporate such a device shall be individually and jointly liable to any person who sustains personal injury or property damage resulting from the failure to include or incorporate such a device. If death results from such personal injury, such entities shall be liable in an amount including, but not limited to, that provided under chapter 229. Contributory or comparative negligence shall not be valid defenses to an action brought under this section in conjunction with § 2 of chapter 93A or § 2-314 of chapter 106 or both; provided, however, that nothing herein shall prohibit such liable parties from maintaining an action for indemnification or contribution against each other or against the lawful owner or other authorized user of said weapon. Any disclaimer, limit or waiver of the liability provided under this section shall be void.

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

This section shall not apply to any weapon distributed to an officer of any law enforcement agency or any member of the armed forces of the United States or the organized militia of the commonwealth; provided, however, that such person is authorized to acquire, possess or carry such a weapon for the lawful performance of his official duties; and provided further, that any such weapon so distributed is distributed solely for use in connection with such duties. This section shall not apply to any firearm manufactured in or prior to the year 1899, or to any replica of such a firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition.

§ 131L. Firearms – Storage.

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

(b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun that is not a large capacity weapon, by a fine of not less than \$1000 nor more than \$7,500 or by imprisonment for not more than 1 1/2 years or by both such fine and imprisonment and, in the case of a large capacity weapon or machine gun, by a fine of not less than \$2,000 nor more than \$15,000 or by imprisonment for not less than 1 1/2 years nor more than 12 years or by both such fine and imprisonment.

(c) A violation of this section shall be punished, in the case of a rifle or shotgun that is not a large capacity weapon and the weapon was stored or kept in a place where a person younger than 18 years of age who does not possess a valid firearm identification card issued under § 129B may have access without committing an unforeseeable trespass, by a fine of not less than \$2,500 nor more than \$15,000 or by imprisonment for not less than 1 1/2 years nor more than 12 years or by both such fine and imprisonment.

(d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a large capacity weapon, firearm or machine gun that was stored or kept in a place where a person younger than 18 years of age may have access without

committing an unforeseeable trespass, by a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for not less than 4 years nor more than 15 years or by both such fine and imprisonment.

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

(f) This section shall not apply to the storage or keeping of any firearm, rifle or shotgun with matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or prior to the year 1899, or to any replica of any such firearm, rifle or shotgun if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition.

§ 131M. Firearms – Assault Weapons. No person shall sell, offer for sale, transfer or possess an assault weapon or a large capacity feeding device that was not otherwise lawfully possessed on September 13, 1994. Whoever not being licensed under the provisions of § 122 violates the provisions of this section shall be punished, for a first offense, by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more than 10 years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than \$15,000 or by imprisonment for not less than 5 years nor more than 15 years, or by both such fine and imprisonment.

The provisions of this section shall not apply to: **(i)** the possession by a law enforcement officer; or **(ii)** the possession by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving such a weapon or feeding device from such agency upon retirement.

§ 131N. Covert Weapons. No person shall sell, offer for sale, transfer or possess any weapon, capable of discharging a bullet or shot, that is: **(i)** constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or **(ii)** not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors. Whoever violates the provisions of this section shall be punished, for a first offense, by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more than 10 years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than \$15,000 or by imprisonment for not less than 5 years nor more than 15 years, or by both such fine and imprisonment.

§ 131O. Firearms – Possession – Surrender Program. Notwithstanding any general or special law, rule or regulation to the contrary, the colonel of state police, in conjunction with the secretary of the executive office of public safety, shall promulgate rules and regulations implementing a statewide firearms surrender program. In conjunction with this program only, any citizen of the commonwealth who complies with the policies set forth by the colonel shall not be asked for identification and shall be immune from prosecution for possession of such firearm; provided, however, that nothing herein shall prohibit the prosecution of any person for the unlawful possession of a firearm who is not in compliance with the conditions and procedures established by the colonel; and provided further, that nothing herein shall prohibit the prosecution of any person for any other offense committed within the commonwealth.

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

§ 131P. Firearms Safety Courses; Persons Required to Complete Course; Issuance of Certificate; Certification of Instructors. [Effective until January 1, 2021]

(a) Any person making application for the issuance of a firearms identification card under § 129B, a Class A or Class B license to carry firearms under § 131 or 131F or a permit to purchase under § 131A who was not licensed under the provisions of this chapter on June 1, 1998 shall, in addition to the requirements set forth in said § 129B, 131, 131A or 131F, submit to the licensing authority a basic firearms safety certificate; provided, however, that a certificate issued by the division of law enforcement in the department of fisheries, wildlife and environmental law enforcement pursuant to the provisions of § 14 of chapter 131 evidencing satisfactory completion of a hunter education course shall serve as a valid substitute for a basic firearms safety certificate required under this section. Persons lawfully possessing a firearm identification card or license to carry firearms on June 1, 1998 shall be exempt from the provisions of this section upon expiration of such card or license and when applying for licensure as required under this chapter. No application for the issuance of a firearm identification card or license to carry shall be accepted or processed by the licensing authority without such certificate attached thereto; provided, however, that the provisions of this section shall not apply to **(i)** any officer, agent or employee of the commonwealth or any state of the United States; **(ii)** any member of the military or other service of any state or of the United States; **(iii)** any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the weapon so carried or possessed and is acting within the scope of his duties.

A current member of the United States military or the Massachusetts National Guard who has not been prohibited under said § 129B from owning a firearm and has received adequate training while serving in the military shall be exempt from being required to submit a basic firearms safety certificate to the licensing authority upon submitting a copy of the member's most current military identification form.

(b) The colonel of state police shall promulgate rules and regulations governing the issuance and form of basic firearms safety certificates required by this section. Said colonel shall certify certain persons as firearms safety instructors and shall certify safety course curriculum. Such certification shall be for a period of 10 years, unless sooner revoked by reason of unsuitability, in the discretion of said colonel. The department of state police may impose a fee of \$50 for initial issuance of such certification to offset the cost of certifying instructors. The fee for certification renewal shall be \$10. Firearms safety instructors shall be any person certified by a nationally recognized organization that fosters safety in firearms, or any other person in the discretion of said colonel, to be competent to give instruction in a basic firearms safety course. Applicants for certification as instructors under the provisions of this section shall not be exempt from the requirements of this chapter or any other law or regulation of the commonwealth or the United States. Upon application to the colonel of state police, said colonel may, in his discretion, certify as a firearms safety instructor any person who operates a firearms safety course or program which provides in its curriculum: **(a)** the safe use, handling and storage of firearms; **(b)** methods for securing and childproofing firearms; **(c)** the applicable laws relating to the possession, transportation and storage of firearms; and **(d)** knowledge of operation, potential dangers and basic competency in the ownership and usage of firearms.

(c) Any firearms safety instructor certified under the provisions of this section may, in his discretion, issue a basic firearms safety certificate to any person who successfully completes the requirements of a basic firearms safety course approved by the colonel. No firearms safety instructor shall issue or cause to be issued any basic firearms safety certificate to any person who fails to meet minimum requirements of the prescribed course of study including, but not limited to, demonstrated competency in the use of firearms. Instructors certified under the provisions of this section shall forward to the department of state police the names of those persons who have received basic firearms safety certificates. Local licensing authorities, as defined in § 121, shall, upon receipt of an application for a firearm identification card or a Class A or Class B license to carry firearms, make inquiry to the department of state police to confirm the issuance to the applicant of a basic firearms safety certificate.

(d) Any person applying for licensure under the provisions of this chapter who knowingly files or submits a basic firearms safety certificate to a licensing authority which contains false information shall be punished by a fine of not less than \$1,000 nor more than \$5,000 or by imprisonment for not more than 2 years in a house of correction, or by both such fine and imprisonment.

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

§ 131P. Firearms – Identification Card – Safety Course. [Effective January 1, 2021]

(a) Any person making application for the issuance of a firearms identification card under § 129B, a license to carry firearms under § 131 or 131F or a permit to purchase under § 131A who was not licensed under the provisions of this chapter on June 1, 1998 shall, in addition to the requirements set forth in said § 129B, 131, 131A or 131F, submit to the licensing authority a basic firearms safety certificate; provided, however, that a certificate issued by the division of law enforcement in the department of fisheries, wildlife and environmental law enforcement pursuant to the provisions of § 14 of chapter 131 evidencing satisfactory completion of a hunter education course shall serve as a valid substitute for a basic firearms safety certificate required under this section. Persons lawfully possessing a firearm identification card or license to carry firearms on June 1, 1998 shall be exempt from the provisions of this section upon expiration of such card or license and when applying for licensure as required under this chapter. No application for the issuance of a firearm identification card or license to carry shall be accepted or processed by the licensing authority without such certificate attached thereto; provided, however, that the provisions of this section shall not apply to **(i)** any officer, agent or employee of the commonwealth or any state of the United States; **(ii)** any member of the military or other service of any state or of the United States; **(iii)** any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to carry or possess the weapon so carried or possessed and is acting within the scope of his duties.

A current member of the United States military or the Massachusetts National Guard who has not been prohibited under said § 129B from owning a firearm and has received adequate training while serving in the military shall be exempt from being required to submit a basic firearms safety certificate to the licensing authority upon submitting a copy of the member's most current military identification form.

(b) The colonel of state police shall promulgate rules and regulations governing the issuance and form of basic firearms safety certificates required by this section. Said colonel shall certify certain persons as firearms safety instructors and shall certify safety course curriculum. Such certification shall be for a period of 10 years, unless sooner revoked by reason of unsuitability, in the discretion of said colonel. The department of state police may impose a fee of \$50 for initial issuance of such certification to offset the cost of certifying instructors. The fee for certification renewal shall be \$10. Firearms safety instructors shall be any person certified by a nationally recognized organization that fosters safety in firearms, or any other person in the discretion of said colonel, to be competent to give instruction in a basic firearms safety

course. Applicants for certification as instructors under the provisions of this section shall not be exempt from the requirements of this chapter or any other law or regulation of the commonwealth or the United States. Upon application to the colonel of state police, said colonel may, in his discretion, certify as a firearms safety instructor any person who operates a firearms safety course or program which provides in its curriculum: **(a)** the safe use, handling and storage of firearms; **(b)** methods for securing and childproofing firearms; **(c)** the applicable laws relating to the possession, transportation and storage of firearms; and **(d)** knowledge of operation, potential dangers and basic competency in the ownership and usage of firearms.

(c) Any firearms safety instructor certified under the provisions of this section may, in his discretion, issue a basic firearms safety certificate to any person who successfully completes the requirements of a basic firearms safety course approved by the colonel. No firearms safety instructor shall issue or cause to be issued any basic firearms safety certificate to any person who fails to meet minimum requirements of the prescribed course of study including, but not limited to, demonstrated competency in the use of firearms. Instructors certified under the provisions of this section shall forward to the department of state police the names of those persons who have received basic firearms safety certificates. Local licensing authorities, as defined in § 121, shall, upon receipt of an application for a firearm identification card or a license to carry firearms, make inquiry to the department of state police to confirm the issuance to the applicant of a basic firearms safety certificate.

(d) Any person applying for licensure under the provisions of this chapter who knowingly files or submits a basic firearms safety certificate to a licensing authority which contains false information shall be punished by a fine of not less than \$1,000 nor more than \$5,000 or by imprisonment for not more than 2 years in a house of correction, or by both such fine and imprisonment.

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

§ 131Q. Firearms – Use in Criminal Act. A firearm, rifle or shotgun, large capacity weapon, machine gun or assault weapon used to carry out a criminal act shall be traced by the licensing authority for the city or town in which the crime took place. The licensing authority shall report statistical data, when the data is readily available as determined by the chief of police, including, but not limited to: **(i)** the make, model, serial number and caliber of the weapon used; **(ii)** the type of crime committed; **(iii)** whether an arrest or conviction was made; **(iv)** whether fingerprint evidence was found on the firearm; **(v)** whether ballistic evidence was retrieved from the crime scene; **(vi)** whether the criminal use of the firearm was related to known gang activity; **(vii)** whether the weapon was obtained illegally; **(viii)** whether the weapon was lost or stolen; and **(ix)** whether the person using the weapon was otherwise a prohibited person.

Part II Real and Personal Property and Domestic Relations
TITLE III Domestic Relations
Chapter 209A Abuse Prevention

§ 3B. Suspension of Firearm License and Surrender of Firearms With Temporary or Emergency Order; Petition for Review. Upon issuance of a temporary or emergency order under § 4 or 5 of this chapter, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, order the immediate suspension and surrender of any license to carry firearms and or firearms identification card which the defendant may hold and order the defendant to surrender all firearms, rifles, shotguns, machine guns and ammunition which he then controls, owns or possesses in accordance with the provisions of this chapter and any license to carry firearms or firearms identification cards which the defendant may hold shall be surrendered to the appropriate law enforcement officials in accordance with the provisions of this chapter and, said law enforcement official may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of § 129D of chapter 140; provided however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the copy of abuse prevention order served on the defendant pursuant to § 7. Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership, or possession of said defendant. Any violation of such orders shall be punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 1/2 years in a house of correction, or by both such fine and imprisonment.

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

§ 3C. Continuation or Modification of Firearm Suspension and Surrender Order. [Effective until January 1, 2021]

Upon the continuation or modification of an order issued pursuant to § 4 or upon petition for review as described in § 3B, the court shall also order or continue to order the immediate suspension and surrender of a defendant's license to carry firearms, including a Class A or Class B license, and firearms identification card and the surrender of all firearms, rifles, shotguns, machine guns or ammunition which such defendant then controls, owns or possesses if the court makes a determination that the return of such license to carry firearms, including a Class A or Class B license, and firearm identification card or firearms, rifles, shotguns, machine guns or ammunition presents a likelihood of abuse to the plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long as the restraining order to which it relates is in effect; and, any law enforcement official to whom such weapon is surrendered may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of § 129D of chapter 140; provided, however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2 1/2 years in a house of correction or by both such fine and imprisonment.

§ 3C. Continuation or Modification of Firearm Suspension and Surrender Order. [Effective January 1, 2021]

Upon the continuation or modification of an order issued pursuant to § 4 or upon petition for review as described in § 3B, the court shall also order or continue to order the immediate suspension and surrender of a defendant's license to carry firearms and firearms identification card and the surrender of all firearms, rifles, shotguns, machine guns or ammunition which such defendant then controls, owns or possesses if the court makes a determination that the return of such license to carry firearms and firearm identification card or firearms, rifles, shotguns, machine guns or ammunition presents a likelihood of abuse to the plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long as the restraining order to which it relates is in effect; and, any law enforcement official to whom such weapon is surrendered may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of § 129D of chapter 140; provided, however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2 1/2 years in a house of correction or by both such fine and imprisonment.

§ 3D. Firearm License Suspension and Surrender – Reporting. Upon an order for suspension or surrender issued pursuant to §§ 3B or 3C, the court shall transmit a report containing the defendant's name and identifying information and a statement describing the defendant's alleged conduct and relationship to the plaintiff to the department of criminal justice information services. Upon the expiration, cancellation or revocation of the order, the court shall transmit a report containing the defendant's name and identifying information, a statement describing the defendant's alleged conduct and relationship to the plaintiff and an explanation that the order is no longer current or valid to the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of § 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System.

Part IV Crimes, Punishments and Proceedings in Criminal Cases

TITLE I Crimes and Punishments

Chapter 269 Crimes against Public Peace

§ 10. Weapons – Dangerous Weapons – Unlawfully Carrying. [Effective until January 1, 2021]

(a) Whoever, except as provided or exempted by statute, knowingly has in his possession; or knowingly has under his control in a vehicle; a firearm, loaded or unloaded, as defined in § 121 of chapter 140 without either:

- (1) being present in or on his residence or place of business; or
- (2) having in effect a license to carry firearms issued under § 131 of chapter 140; or
- (3) having in effect a license to carry firearms issued under § 131 F of chapter 140; or
- (4) having complied with the provisions of §§ 129C and 131G of chapter 140; or
- (5) having complied as to possession of an air rifle or BB gun with the requirements imposed by § 12B; and whoever knowingly has in his possession; or knowingly has under control in a vehicle; a rifle or shotgun, loaded or unloaded, without either:
 - (1) being present in or on his residence or place of business; or
 - (2) having in effect a license to carry firearms issued under § 131 of chapter 140; or
 - (3) having in effect a license to carry firearms issued under § 131F of chapter 140; or
 - (4) having in effect a firearms identification card issued under § 129B of chapter 140; or
 - (5) having complied with the requirements imposed by § 129C of chapter 140 upon ownership or possession of rifles and shotguns; or
 - (6) having complied as to possession of an air rifle or BB gun with the requirements imposed by § 12B; shall be punished by imprisonment in the state prison for not less than 2 1/2 years nor more than 5 years, or for not less than 18 months nor more than 2 1/2 years in a jail or house of correction. The sentence imposed on such person shall not be reduced to less than 18 months, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 18 months of such sentence; provided, however, that the commissioner of correction may on the

recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file.

No person having in effect a license to carry firearms for any purpose, issued under § 131 or § 131F of chapter 140 shall be deemed to be in violation of this section.

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

The provisions of this subsection shall not affect the licensing requirements of § 129C of chapter 140 which require every person not otherwise duly licensed or exempted to have been issued a firearms identification card in order to possess a firearm, rifle or shotgun in his residence or place of business.

(c) Whoever, except as provided by law, possesses a machine gun, as defined in § 121 of chapter 140, without permission under § 131 of said chapter 140; or whoever owns, possesses or carries on his person, or carries on his person or under his control in a vehicle, a sawed-off shotgun, as defined in said § 121 of said chapter 140, shall be punished by imprisonment in the state prison for life, or for any term of years provided that any sentence imposed under the provisions of this paragraph shall be subject to the minimum requirements of paragraph (a).

(e) Upon conviction of a violation of this section, the firearm or other article shall, unless otherwise ordered by the court, be confiscated by the commonwealth. The firearm or article so confiscated shall, by the authority of the written order of the court be forwarded by common carrier to the colonel of the state police, who, upon receipt of the same, shall notify said court or justice thereof. Said colonel may sell or destroy the same, except that any firearm which may not be lawfully sold in the commonwealth shall be destroyed, and in the case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

(f) The court shall, if the firearm or other article was lost by or stolen from the person lawfully in possession of it, order its return to such person.

(g) Whoever, within this commonwealth, produces for sale, delivers or causes to be delivered, orders for delivery, sells or offers for sale, or fails to keep records regarding, any rifle or shotgun without complying with the requirement of a serial number, as provided in § 129B of chapter 140, shall for the first offense be punished by confinement in a jail or house of correction for not more than 2 1/2 years, or by a fine of not more than \$500.

(h) (1) Whoever owns, possesses or transfers a firearm, rifle, shotgun or ammunition without complying with the provisions of § 129C of chapter 140 shall be punished by imprisonment in a jail or house of correction for not more than 2 years or by a fine of not more than \$500. Whoever commits a second or subsequent violation of this paragraph shall be punished by imprisonment in a house of correction for not more than 2 years or by a fine of not more than \$1,000, or both. Any officer authorized to make arrests may arrest without a warrant any person whom the officer has probable cause to believe has violated this paragraph.

(2) Any person who leaves a firearm, rifle, shotgun or ammunition unattended with the intent to transfer possession of such firearm, rifle, shotgun or ammunition to any person not licensed under § 129C of chapter 140 or § 131 of chapter 140 for the purpose of committing a crime or concealing a crime shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or in state prison for not more than 5 years.

(i) Whoever knowingly fails to deliver or surrender a revoked or suspended license to carry or possess firearms or machine guns issued under the provisions of § 131 or 131F of chapter 140, or firearm identification card, or receipt for the fee for such card, or a firearm, rifle, shotgun or machine gun, as provided in § 129D of chapter 140, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than 2 1/2 years or by a fine of not more than \$1,000.

(j) For the purposes of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged.

Whoever, not being a law enforcement officer and notwithstanding any license obtained by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of the elementary or secondary school, college or university shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years or both. A law enforcement officer may arrest without a warrant and detain a person found carrying a firearm in violation of this paragraph.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university that fails to report a violation of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than \$500.

(l) The provisions of this section shall be fully applicable to any person proceeded against under § 75 of chapter 119 and convicted under § 83 of chapter 119, provided, however, that nothing contained in this section shall impair, impede, or affect the power granted any court by chapter 119 to adjudicate a person a delinquent child, including the power so granted under § 83 of said chapter 119.

(m) Notwithstanding the provisions of paragraph (a) or (h), any person not exempted by statute who knowingly has in his possession, or knowingly has under his control in a vehicle, a large capacity weapon or large capacity feeding device

therefor who does not possess a valid Class A or Class B license to carry firearms issued under § 131 or 131F of chapter 140, except as permitted or otherwise provided under this section or chapter 140, shall be punished by imprisonment in a state prison for not less than 2 1/2 years nor more than 10 years. The possession of a valid firearm identification card issued under § 129B shall not be a defense for a violation of this subsection; provided, however, that any such person charged with violating this paragraph and holding a valid firearm identification card shall not be subject to any mandatory minimum sentence imposed by this paragraph. The sentence imposed upon such person shall not be reduced to less than 1 year, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he shall have served such minimum term of such sentence; provided.... Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file. The provisions of § 87 of chapter 276 relative to the power of the court to place certain offenders on probation shall not apply to any person 18 years of age or over charged with a violation of this section.

The provisions of this paragraph shall not apply to the possession of a large capacity weapon or large capacity feeding device by **(i)** any officer, agent or employee of the commonwealth or any other state or the United States, including any federal, state or local law enforcement personnel; **(ii)** any member of the military or other service of any state or the United States; **(iii)** any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; **(iv)** any federal, state or local historical society, museum or institutional collection open to the public; provided, however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a competent authority to acquire, possess or carry a large capacity semiautomatic weapon and is acting within the scope of his duties; or **(v)** any gunsmith duly licensed under the applicable federal law.

(n) Whoever violates paragraph (a) or paragraph (c), by means of a loaded firearm, loaded sawed off shotgun or loaded machine gun shall be further punished by imprisonment in the house of correction for not more than 2 1/2 years, which sentence shall begin from and after the expiration of the sentence for the violation of paragraph (a) or paragraph (c).

(o) For purposes of this section, "loaded" shall mean that ammunition is contained in the weapon or within a feeding device attached thereto.

For purposes of this section, "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun.

§ 10. Weapons – Dangerous Weapons – Unlawfully Carrying. [Effective January 1, 2021]

(a) Whoever, except as provided or exempted by statute, knowingly has in his possession; or knowingly has under his control in a vehicle; a firearm, loaded or unloaded, as defined in § 121 of chapter 140:

(1) being present in or on his residence or place of business; or

(2) having in effect a license to carry firearms issued under § 131 of chapter 140; or

(3) having in effect a license to carry firearms issued under § 131F of chapter 140; or

(4) having complied with the provisions of §§ 129C and 131G of chapter 140; or

(5) having complied as to possession of an air rifle or BB gun with the requirements imposed by § 12B; and whoever knowingly has in his possession; or knowingly has under control in a vehicle; a rifle or shotgun, loaded or unloaded, without either:

(1) being present in or on his residence or place of business; or

(2) having in effect a license to carry firearms issued under § 131 of chapter 140; or

(3) having in effect a license to carry firearms issued under § 131F of chapter 140; or

(4) having in effect a firearms identification card issued under § 129B of chapter 140; or

(5) having complied with the requirements imposed by § 129C of chapter 140 upon ownership or possession of rifles and shotguns; or

(6) having complied as to possession of an air rifle or BB gun with the requirements imposed by § 12B; shall be punished by imprisonment in the state prison for not less than 2 1/2 years nor more than 5 years, or for not less than 18 months nor more than 2 1/2 years in a jail or house of correction. The sentence imposed on such person shall not be reduced to less than 18 months, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 18 months of such sentence.... Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file.

No person having in effect a license to carry firearms for any purpose, issued under § 131 or § 131F of chapter 140 shall be deemed to be in violation of this section.

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

The provisions of this subsection shall not affect the licensing requirements of § 129C of chapter 140 which require every person not otherwise duly licensed or exempted to have been issued a firearms identification card in order to possess a firearm, rifle or shotgun in his residence or place of business.

(c) Whoever, except as provided by law, possesses a machine gun, as defined in § 121 of chapter 140, without permission under § 131 of said chapter 140; or whoever owns, possesses or carries on his person, or carries on his person or under his control in a vehicle, a sawed-off shotgun, as defined in said § 121 of said chapter 140, shall be punished by imprisonment in the state prison for life, or for any term of years provided that any sentence imposed under

the provisions of this paragraph shall be subject to the minimum requirements of paragraph (a).

(e) Upon conviction of a violation of this section, the firearm or other article shall, unless otherwise ordered by the court, be confiscated by the commonwealth. The firearm or article so confiscated shall, by the authority of the written order of the court be forwarded by common carrier to the colonel of the state police, who, upon receipt of the same, shall notify said court or justice thereof. Said colonel may sell or destroy the same, except that any firearm which may not be lawfully sold in the commonwealth shall be destroyed, and in the case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

(f) The court shall, if the firearm or other article was lost by or stolen from the person lawfully in possession of it, order its return to such person.

(g) Whoever, within this commonwealth, produces for sale, delivers or causes to be delivered, orders for delivery, sells or offers for sale, or fails to keep records regarding, any rifle or shotgun without complying with the requirement of a serial number, as provided in § 129B of chapter 140, shall for the first offense be punished by confinement in a jail or house of correction for not more than 2 1/2 years, or by a fine of not more than \$500.

(h) (1) Whoever owns, possesses or transfers a firearm, rifle, shotgun or ammunition without complying with the provisions of § 129C of chapter 140 shall be punished by imprisonment in a jail or house of correction for not more than 2 years or by a fine of not more than \$500. Whoever commits a second or subsequent violation of this paragraph shall be punished by imprisonment in a house of correction for not more than 2 years or by a fine of not more than \$1,000, or both. Any officer authorized to make arrests may arrest without a warrant any person whom the officer has probable cause to believe has violated this paragraph.

(2) Any person who leaves a firearm, rifle, shotgun or ammunition unattended with the intent to transfer possession of such firearm, rifle, shotgun or ammunition to any person not licensed under § 129C of chapter 140 or § 131 of chapter 140 for the purpose of committing a crime or concealing a crime shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or in state prison for not more than 5 years.

(i) Whoever knowingly fails to deliver or surrender a revoked or suspended license to carry or possess firearms or machine guns issued under the provisions of §§ 131 or 131F of chapter 140, or firearm identification card, or receipt for the fee for such card, or a firearm, rifle, shotgun or machine gun, as provided in § 129D of chapter 140, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than 2 1/2 years or by a fine of not more than \$1,000.

(j) For the purposes of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged.

Whoever, not being a law enforcement officer and notwithstanding any license obtained by the person pursuant to chapter 140, carries on the person a firearm, loaded or unloaded, or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of the elementary or secondary school, college or university shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years or both. A law enforcement officer may arrest without a warrant and detain a person found carrying a firearm in violation of this paragraph.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university that fails to report a violation of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than \$ 500.

(l) The provisions of this section shall be fully applicable to any person proceeded against under § 75 of chapter 119 and convicted under § 83 of chapter 119, provided, however, that nothing contained in this section shall impair, impede, or affect the power granted any court by chapter 119 to adjudicate a person a delinquent child, including the power so granted under § 83 of said chapter 119.

(m) Notwithstanding the provisions of paragraph (a) or (h), any person not exempted by statute who knowingly has in his possession, or knowingly has under his control in a vehicle, a large capacity weapon or large capacity feeding device therefor who does not possess a valid license to carry firearms issued under § 131 or 131F of chapter 140, except as permitted or otherwise provided under this section or chapter 140, shall be punished by imprisonment in a state prison for not less than 2 1/2 years nor more than 10 years. The possession of a valid firearm identification card issued under § 129B shall not be a defense for a violation of this subsection; provided, however, that any such person charged with violating this paragraph and holding a valid firearm identification card shall not be subject to any mandatory minimum sentence imposed by this paragraph. The sentence imposed upon such person shall not be reduced to less than 1 year, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he shall have served such minimum term of such sentence.... Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file. The provisions of § 87 of chapter 276 relative to the power of the court to place certain offenders on probation shall not apply to any person 18 years of age or over charged with a violation of this section.

The provisions of this paragraph shall not apply to the possession of a large capacity weapon or large capacity feeding device by **(i)** any officer, agent or employee of the commonwealth or any other state or the United States, including any federal, state or local law enforcement personnel; **(ii)** any member of the military or other service of any state or the United States; **(iii)** any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; **(iv)** any federal, state or local historical society, museum or institutional collection open to the public; provided, however, that any such person described in clauses (i) to (iii), inclusive, is authorized by a competent authority

to acquire, possess or carry a large capacity semiautomatic weapon and is acting within the scope of his duties; or **(v)** any gunsmith duly licensed under the applicable federal law.

(n) Whoever violates paragraph (a) or paragraph (c), by means of a loaded firearm, loaded sawed off shotgun or loaded machine gun shall be further punished by imprisonment in the house of correction for not more than 2 1/2 years, which sentence shall begin from and after the expiration of the sentence for the violation of paragraph (a) or paragraph (c).

(o) For purposes of this section, "loaded" shall mean that ammunition is contained in the weapon or within a feeding device attached thereto.

For purposes of this section, "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun.

§ 10A. Weapons – Silencers for Firearms. Any person, other than a federally licensed firearms manufacturer, an authorized agent of the municipal police training committee, or a duly authorized sworn law enforcement officer while acting within the scope of official duties and under the direct authorization of the police chief or his designee, or the colonel of the state police, who sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized law enforcement agency, or uses or possesses any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than 5 years in state prison or for not more than 2 1/2 years in a jail or house of correction. Nothing contained herein shall be construed to prohibit a federally licensed firearms manufacturer from selling such instrument, attachment, weapon or appliance to authorized law enforcement agencies for law enforcement purposes or to the municipal police training committee for law enforcement training. Upon conviction of a violation of this section, the instrument, attachment or other article shall be confiscated by the commonwealth and forwarded, by the authority of the written order of the court, to the colonel of the state police, who shall destroy said article.

§ 10E. Weapons – Unlawful Sale or Distribution of Multiple Firearms – Penalties. Whoever, except as provided by law, in a single transaction or occurrence or in a series of transactions within a 12 month period, knowingly or intentionally distributes, sells, or transfers possession of a quantity of firearms, rifles, shotguns, machine guns, or any combination thereof, shall, if the quantity of firearms, rifles, shotguns, machine guns, or any combination thereof is:

(1) 1 or more, but less than 3, be punished by a term of imprisonment of not more than 10 years in the state prison or by a fine of not more than \$50,000, or by both such imprisonment and fine;

(2) 3 or more, but less than 10, be punished by a term of imprisonment, not to exceed 20 years in the state prison; provided, however, that said sentence shall not be less than a mandatory minimum term of imprisonment of 5 years; and provided further, that said sentence may include a fine of not more than \$100,000, which shall not be in lieu of the mandatory minimum term of imprisonment;

(3) 10 or more, be punished by a term of imprisonment up to life imprisonment in the state prison; provided, that said sentence shall not be less than a mandatory minimum term of imprisonment of 10 years; and provided further, that said sentence may include a fine of not more than \$150,000, which shall not be in lieu of the mandatory minimum term of imprisonment.

Section 87 of chapter 276 shall not apply to any person, 18 years of age or over, charged with a violation of this section, or to any child between the age of 14 and 18, so charged, if the court is of the opinion that the interests of the public require that the child be tried for such offense instead of being dealt with as a child.

§ 10F. Weapons – Illegal Sale of Large Capacity Weapons or Feeding Devices – Penalties.

(a) Any person who sells, keeps for sale, or offers or exposes for sale, gives or otherwise transfers any large capacity weapon or large capacity feeding device, both as defined in § 121 of chapter 140, to a person 18 years of age or over, except as permitted under this section or chapter 140, shall be punished by imprisonment in a state prison for not less than 2 1/2 years nor more than 10 years. Any person who commits a second or subsequent such crime shall be punished by imprisonment in a state prison for not less than 5 years nor more than 15 years. The provisions of § 87 of chapter 276 relative to the power of the court to place certain offenders on probation shall not apply to any person 18 years of age or over charged with a violation of this subsection.

(b) Any person who transfers, sells, lends or gives a large capacity weapon or large capacity feeding device to a person under the age of 18, except as permitted under the provisions of chapter 140, shall be punished by imprisonment in a state prison for not less than 5 nor more than 15 years. The sentence imposed upon such person shall not be reduced to less than 5 years, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he has served 5 years of such sentence.... The provisions of § 87 of chapter 276 relative to the power of the court to place certain offenders on probation shall not apply to any person 17 years of age or over charged with a violation of this subsection.

§ 10H. Weapons – Possession of Firearms While Under the Influence of Alcohol or Drugs – Penalties. Whoever, having in effect a license to carry firearms issued under §§ 131 or 131F of chapter 140, carries on his person, or has under his control in a vehicle, a loaded firearm, as defined in § 121 of said chapter 140, while under the influence of intoxicating liquor or marijuana, narcotic drugs, depressants or stimulant substances, all as defined in § 1 of chapter 94C, or the vapors of glue shall be punished by a fine of not more than \$5,000 or by imprisonment in the house of correction for not more than 2 1/2 years, or by both such fine and imprisonment.

§ 10I. Weapons – Transportation of Firearm into Commonwealth for Use in Criminal Activity – Penalties.

(a) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into the commonwealth to use the weapon for the commission of criminal activity shall be punished by imprisonment in the state prison for not less than 5 years nor more than 10 years.

(b) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into the commonwealth to unlawfully distribute, sell or transfer possession of the weapon to a prohibited person, as defined in § 131 of chapter 140, shall be punished by imprisonment in the state prison for not less than 10 years nor more than 20 years.

(c) Whoever transports a firearm, rifle, shotgun, machine gun or sawed-off shotgun into the commonwealth to unlawfully distribute, sell or transfer the weapon to a prohibited person, as defined in § 131 of chapter 140, and if the weapon is subsequently used to cause the death of another, shall be punished by imprisonment in the state prison for not less than 20 years.

§ 10J. Weapons – Breaking and Entering to Steal Firearm – Penalties.

(a) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or vehicle to steal a firearm shall be punished by imprisonment in the state prison for not more than 5 years or by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(b) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or vehicle to steal a firearm to distribute to a prohibited person, as defined in § 131 of chapter 140 shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever in the nighttime or the daytime breaks and enters a building, ship, vessel or vehicle to steal a firearm and in the process causes injury of another shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

§ 10K. Weapons – Breaking and Entering in Firearm Retailer, Wholesaler or Manufacturer – Penalties.

(a) Whoever in the nighttime or the daytime breaks and enters any building in which a firearm retailer, wholesaler or manufacturer conducts business shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(b) Whoever in the nighttime or the daytime breaks and enters any building in which a firearm retailer, wholesaler or manufacturer conducts business with the intent to unlawfully obtain a firearm, rifle, shotgun, machine gun or ammunition shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

(c) Whoever unlawfully obtains a firearm, rifle, shotgun, machine gun or ammunition by means of breaking and entering, in the nighttime or the daytime, any building in which a firearm retailer, wholesaler or manufacturer conducts business and who unlawfully distributes said firearm, rifle, shotgun, machine gun or ammunition shall be punished by imprisonment in the state prison for not more than 20 years or by imprisonment in the house of correction for not more than 2 1/2 years or by a fine of not more than \$10,000, or by both such fine and imprisonment.

§ 11A. Firearm ID Numbers – Definitions. For the purposes of this section and §§ 11B, 11C and 11D, the following words shall have the following meanings:–

"**Firearm**", a firearm as defined in § 121 of chapter 140, or a rifle or shotgun.

"**Serial number**", the number stamped or placed upon a firearm by the manufacturer in the original process of manufacture.

"**Identification number**", the number stamped or placed upon a firearm by the colonel of the state police under authority of § 11D.

§ 11B. Firearm ID Numbers – Possession of Firearm with ID Defaced – Use During Felony. Whoever, while in the commission or attempted commission of a felony, has in his possession or under his control a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be punished by imprisonment in the state prison for not less than 2 1/2 nor more than 5 years, or in a jail or house of correction for not less than 6 months nor more than 2 1/2 years. Upon a conviction of a violation of this section, said firearm or other article, by the authority of the written order of the court, shall be forwarded to the colonel of the state police, who shall cause said weapon to be destroyed.

§ 11C. Firearm ID Numbers – Defacing. Whoever, by himself or another, removes, defaces, alters, obliterates or mutilates in any manner the serial number or identification number of a firearm, or in any way participates therein, and whoever receives a firearm with knowledge that its serial number or identification number has been removed, defaced, altered, obliterated or mutilated in any manner, shall be punished by a fine of not more than \$200 or by imprisonment for not less than 1 month nor more than 2 1/2 years. Possession or control of a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge whatever that such number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. Upon a

conviction of a violation of this section said firearm or other article shall be forwarded, by the authority of the written order of the court, to the colonel of the state police, who shall cause said firearm or other article to be destroyed.

§ 11E. Firearm ID Numbers – Manufacturers and Dealers of Firearms. All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered.

No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section. No licensed manufacturer within the commonwealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of \$500. Each such violation shall constitute a separate offense.

§ 12A. Air Rifle or BB Gun – Furnishing to Minor. Whoever sells to a minor under the age of 18 or whoever, not being the parent, guardian or adult teacher or instructor, furnishes to a minor under the age of 18 an air rifle or so-called BB gun, shall be punished by a fine of not less than \$50 nor more than \$200 or by imprisonment for not more than 6 months.

§ 12B. Air Rifle or BB Gun – Possession by Minor. No minor under the age of 18 shall have an air rifle or so-called BB gun in his possession while in any place to which the public has a right of access unless he is accompanied by an adult or unless he is the holder of a sporting or hunting license and has on his person a permit from the chief of police of the town in which he resides granting him the right of such possession. No person shall discharge a BB shot, pellet or other object from an air rifle or so-called BB gun into, from or across any street, alley, public way or railroad or railway right of way, and no minor under the age of 18 shall discharge a BB shot, pellet or other object from an air rifle or BB gun unless he is accompanied by an adult or is the holder of a sporting or hunting license. Whoever violates this section shall be punished by a fine of not more than \$100, and the air rifle or BB gun or other weapon shall be confiscated. Upon a conviction of a violation of this section the air rifle or BB gun or other weapon shall, by the written authority of the court, be forwarded to the colonel of the state police, who may dispose of said article in the same manner as prescribed in §10.

§ 12D. Firearms – Carrying Loaded Rifle or Shotgun on Public Way.

(a) Except as exempted or provided by law, no person shall carry on his person on any public way a loaded rifle or shotgun having cartridges or shells in either the magazine or chamber thereof. For purposes of this section, "loaded shotgun or loaded rifle" shall mean any shotgun or rifle having ammunition in either the magazine or chamber thereof, such ammunition including a live cartridge, primer (igniter), bullet or propellant powder designed for use in any firearm, rifle or shotgun and, in the case of a muzzle loading or black powder shotgun or rifle, containing powder in the flash pan, a percussion cap and shot or ball; but the term "loaded shotgun or loaded rifle" shall not include a shotgun or rifle loaded with a blank cartridge, which contains no projectile within such blank or within the bore or chamber of such shotgun or rifle.

Whoever violates the provisions of this subsection shall be punished by a fine of not less than \$500 nor more than \$5,000 or by imprisonment in the house of correction for not more than 2 years, or by both such fine and imprisonment, and may be arrested without a warrant; provided, however, that if such rifle or shotgun is a large capacity weapon, as defined in § 121 of chapter 140, such person shall be punished by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more than 10 years, or by both such fine and imprisonment, and may be arrested without a warrant.

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

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

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

(c) Upon a conviction of a violation of any provision of this section, such rifle or shotgun shall be confiscated by the commonwealth and, upon written order of the court, such weapon shall be forwarded to the colonel of the state police, who may dispose of such weapon in the manner prescribed in §10.

(d) The provisions of this section shall not apply to the carrying of a loaded or unloaded rifle or shotgun on a public way by **(i)** any officer, agent or employee of the commonwealth or any other state or the United States, including any federal, state or local law enforcement personnel; **(ii)** any member of the military or other service of any state or the United States, including members of the national guard, reserves and junior reserve officer training corps; **(iii)** any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, shall be authorized by a competent authority to so carry a loaded or

unloaded rifle or shotgun on a public way and such person is acting within the scope of his duties or training; or **(iv)** a person who is lawfully engaged in hunting and is the holder of a valid hunting or sporting license issued pursuant to chapter 131. This section shall not apply to the operation of a shooting gallery, licensed and defined under the provisions of § 56A of chapter 140, nor to persons using the same.

§ 12E. Firearms – Discharge of Firearm Within Certain Distance of Building. Whoever discharges a firearm as defined in § 121 of chapter 140, a rifle or shotgun within 500 feet of a dwelling or other building in use, except with the consent of the owner or legal occupant thereof, shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in a jail or house of correction for not more than 3 months, or both. The provisions of this section shall not apply to **(a)** the lawful defense of life and property; **(b)** any law enforcement officer acting in the discharge of his duties; **(c)** persons using underground or indoor target or test ranges with the consent of the owner or legal occupant thereof; **(d)** persons using outdoor skeet, trap, target or test ranges with the consent of the owner or legal occupant of the land on which the range is established; **(e)** persons using shooting galleries, licensed and defined under the provisions of § 56A of chapter 140; and **(f)** the discharge of blank cartridges for theatrical, athletic, ceremonial, firing squad, or other purposes in accordance with § 39 of chapter 148.

City of Boston Municipal Code

18-1 Enumeration of Fees and Charges.

18-1.1 “A” Fees and Charges.

3. Ammunition, License to Sell. The fee for a license to sell ammunition granted by the Police Commissioner under § 122B of Chapter 140 of the General Laws shall be \$225.

4. Ammunition, License to Store. The fee for an annual license to store ammunition granted by the Chief of the Fire Department under § 13 of Chapter 148 of the General Laws shall be \$75.

18-1.6 “F” Fees and Charges.

15. Firearm Identification Card. The fee for the issuance by the Police Commissioner of a Firearm Identification Card under § 129B of Chapter 140 of the General Laws shall be \$15.

16. Firearms, License to Carry or Possess. The fee for a license to carry firearms in the Commonwealth or to possess therein a machine gun granted by the Police Commissioner under § 131 of Chapter 140 of the General Laws shall be \$50, excepting Police Officers and retired Police Officers of the City of Boston who shall be exempt from the requirements of paying said fee.

16A. Firearms, License to Possess Assault Weapon. The fee for a license to possess an assault weapon or weapons in the City of Boston granted by the Police Commissioner of the City of Boston, or his designee, pursuant to § 6 of Chapter 596 of the Acts of 1989, shall be \$25. Such license shall be for 5 years. A person having more than 1 assault weapon shall be required to apply for only 1 license, which license shall be applicable to all of the assault weapons which that person lists with the Police Commissioner, or his designee, at the time of application.

17. Firearms, License to Sell, Rent, or Lease. The fee for a license to sell, rent or lease firearms, rifles, shotguns, or machine guns granted by the Police Commissioner under § 122 of Chapter 140 of the General Laws shall be \$300.

18. Firearms, Permit to Purchase, Rent or Lease. The fee for a permit to purchase, rent, or lease a firearm granted by the Police Commissioner under § 131A of Chapter 140 of the General Laws shall be \$50.

18-1.7 “G” Fees and Charges.

13. Gunsmith's License. The fee for a license to be in business as a gunsmith granted by the Police Commissioner under § 122 of Chapter 140 of the General Laws shall be, in the case of a person licensed to sell, rent, or lease firearms, rifles, shotguns, or machine guns, \$50 and in the case of any other persons \$100.

Chapter X – Schools

19-1.1 Possession, Detection, of Weapons in Schoolhouses. No person other than a sworn officer of the Commonwealth, a member of the military service on active duty, or a constable, officer or official of the City or County having a license to carry firearms shall in any schoolhouse have possession of any dangerous weapon, which term shall include any firearm, and any item described in paragraphs (b) or (c) of § 10 of Chapter 269 of the General Laws, unless authorized by the Superintendent of Schools or the Superintendent's designee. If the Superintendent shall determine public safety requires, a system for detection of weapons may be established in any schoolhouse and no person shall be admitted to, or enter, a schoolhouse without submitting to such detection system. Any person violating the provisions hereof shall be punished by a fine of \$200.

Cambridge, Massachusetts Municipal Code
Title 9 – Public Peace, Morals and Welfare
Chapter 9.16 - Weapons

9.16.010 - Firearm discharge prohibited—Exception. No person shall, except in the performance of some legal duty, discharge any gun, pistol or other firearm, within the City limits.

9.16.030 - Handgun transactions—Handgun defined. As used in this section and §§ 9.16.020, 9.16.040 and 9.16.050 of this chapter, "handgun" means any firearm, as defined in § 121 of Chapter 140 of the General Laws, of which the length of barrel is less than ten inches.

9.16.040 - Handgun transactions—Prohibited—Penalty. Any person who sells, rents or leases a handgun shall be punished by a fine of not more than \$300. Each such sale, rental or lease shall constitute a separate offense.

9.16.050 - Handgun transactions—Exemptions from provisions. This section and §§ 9.16.020, 9.16.040 and 9.16.050 of this chapter shall not apply to:

A. Any person who holds a license to sell, rent or lease firearms from the Chief of Police under § 121 of Chapter 140 of the General Laws, if the license was first issued on or before May 15, 1986; or

B. Any person to whom any licensed mentioned in subsection A of this section is transferred; or

C. Any person or circumstances mentioned in § 128A of Chapter 140 of the General laws.

City of Worcester
Part 1. Regulatory Ordinances
C. Public Safety, Chapter 11. Chief of Police
Amended October 4, 2016

§ 9. Firearm Sales

(a) No person shall sell any firearm without a license issued by the chief of police pursuant to the provisions of G.L. c. 140, § 122. The fee shall be \$20 per year. Such licenses shall be issued consistent with the provisions of G.L. c. 140, §§ 121 to 131I.

(b) The penalty for each violation of this section shall be \$300.

§ 10. Ammunition Sales

(a) No person shall sell any ammunition for any firearm without a license issued by the chief of police pursuant to the provisions of G.L. c. 140, § 122B. The fee shall be \$25. The fee for a renewal license shall be \$1 per year.

(b) The penalty for each violation of this section shall be \$300.