

# State Laws and Published Ordinances – Massachusetts

Current through Act 12 of the 2019 Legislative Session.

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Agawam

Andover

Athol

Attleboro

Avon

Belchertown

Beverly

Boston

Cambridge

Carver

Chicopee

East Longmeadow

Everett

Fall River

Fitchburg

Haverhill

Huntington

Lawrence

Leominster

Lowell

Ludlow

Lunenburg

Malden

Marlborough

North Reading

Norwell

Peabody

Plymouth

Randolph

Salem

Somerset

Somerville

South Hadley

Southwick

Sterling

Stoughton

Taunton

Uxbridge

Webster

West Springfield

Westfield

Worcester

**Part I – Administration of the Government**  
**Title II – Executive and Administrative Officers of the Commonwealth**  
**Chapter 6 – The Governor, Lieutenant Governor and Council, Certain Officers Under the Governor and Council,**  
**and State Library**

**Section 172M. Criminal Offender Records – Employees of Firearm Merchants and Gunsmiths.**

Notwithstanding section 172 or any other general or special law to the contrary, a person licensed pursuant to section 122 of chapter 140 shall obtain from the department all available criminal offender record information prior to accepting a person as an employee to determine the suitability of such employee who may have direct and unmonitored contact with firearms, shotguns or rifles. A person obtaining information pursuant to this section shall not disseminate such information for any purpose other than the further protection of public safety.

**Title XVII – Public Welfare**  
**Chapter 123 – Mental Health**

**Section 36C. Commitment – Firearm Prohibition; Petition for Relief.**

**(a)** A court that orders the commitment of a person pursuant to sections 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c) of section 16, shall transmit the person's name and nonclinical, identifying information, including the person's social security number and date of birth to the department of criminal justice information services. The court shall notify the person that such person is prohibited from being issued a firearm identification card pursuant to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said chapter 140 unless a petition for relief is subsequently granted pursuant to subsection (b).

**(b)** After 5 years from the date of commitment, a person committed pursuant to sections 7, 8 or 18 or subsection (e) of section 12 or subsection (b) of section 15 or subsection (b) or (c) of section 16 may file a petition for relief with the court that ordered the commitment requesting the court to restore the person's ability to possess a firearm. The court may grant the relief sought in accordance with the principles of due process if the circumstances regarding the person's disqualifying condition and the person's record and reputation are determined to be such that: (i) the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting of relief would not be contrary to the public interest. In making the determination, the court may consider evidence from a licensed physician or clinical psychologist that the person is no longer suffering from the disease or condition that caused the disability or that the disease or condition has been successfully treated for a period of 3 consecutive years.

**(c)** When the court grants a petition for relief pursuant to subsection (b), the clerk shall immediately forward a copy of the order for relief to the department of criminal justice information services.

**(d)** A person whose petition for relief is denied pursuant to subsection (b) may appeal to the appellate division of the district court for a de novo review of the denial.

**Title XX – Public Safety and Good Order**  
**Chapter 140 – Licenses**

**Section 121. Firearms.**

As used in sections 122 to 131Y, 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; (vii) Steyr AUG; (viii) 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.

**"Bump stock"**, any device for a weapon that increases the rate of fire achievable with such weapon by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger.

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

**"Court"**, as used in sections 131R to 131Y, inclusive, the division of the district court department or the Boston municipal court department of the trial court having jurisdiction in the city or town in which the respondent resides.

**"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.

**"Extreme risk protection order"**, an order by the court ordering the immediate suspension and surrender of any license to carry firearms or firearm identification card which the respondent may hold and ordering the respondent to surrender all firearms, rifles, shotguns, machine guns, weapons or ammunition which the respondent then controls, owns or possesses; provided, however, that an extreme risk protection order shall be in effect for up to 1 year from the date of issuance and may be renewed upon petition.

**"Family or household member"**, a person who: (i) is or was married to the respondent; (ii) is or was residing with the respondent in the same household; (iii) is or was related by blood or marriage to the respondent; (iv) has or is having a child in common with the respondent, regardless of whether they have ever married or lived together; (v) is or has been in a substantive dating relationship with the respondent; or (vi) is or has been engaged to the respondent.

**"Firearm"**, a stun gun or 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; provided, however, that "machine gun" shall include bump stocks and trigger cranks..

**"Petition"**, a request filed with the court by a petitioner for the issuance or renewal of an extreme risk protection order.

**"Petitioner"**, the family or household member, or the licensing authority of the municipality where the respondent resides, filing a petition.

**"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.

**"Respondent"**, the person identified as the respondent in a petition against whom an extreme risk protection order is sought.

**"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.

**"Substantive dating relationship"**, a relationship as determined by the court after consideration of the following factors: (i) the length of time of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the parties; and (iv) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

**"Trigger crank"**, any device to be attached to a weapon that repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion; provided, however, that "trigger crank" shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever.

**"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 sections 122 to 129D, inclusive, and sections 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.

## **Section 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 section 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.

### **Section 123. Firearms – License to Sell – Conditions. [Effective January 1, 2021]**

A license granted under section one hundred and twenty-two 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 section one hundred and thirty-one 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 section one hundred and thirty-one or a firearm identification card issued under the provisions of section one hundred and twenty-nine B 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 section 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 section 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 section one hundred and thirty-one A and a valid firearm identification card issued under section one hundred and twenty-nine B 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 section 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 section one hundred and thirty-one A, and a firearm identification card issued under the provisions of section one hundred and twenty-nine B, or unless such person has a license to carry firearms issued under the provisions of section one hundred and thirty-one; 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 section one hundred and twenty-nine B, or has a license to carry firearms as provided in section one hundred and thirty-one; 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 section 131 or (ii) a proper permit issued under section 131A and a firearm identification card issued under section 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 section 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 section one hundred and thirty-one.

**Ninth,** That upon the sale, rental or lease of a firearm, subject to a permit to purchase issued under the provisions of section one hundred and thirty-one A, the licensee under section one hundred and twenty-two 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 seven

days transmit a notice thereof to said executive director. In case of a sale under the provisions of section one hundred and thirty-one E the licensee under section one hundred and twenty-two shall write in the sales record book the number of the license to carry firearms issued the purchaser under the provisions of section one hundred and thirty-one, or the number of the firearm identification card issued the purchaser under the provisions of section one hundred and twenty-nine B, whichever is applicable under the provisions of condition Eighth of this section.

**Tenth**, That this license shall be subject to forfeiture as provided in section one hundred and twenty-five 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 section 10 of chapter 269 f or 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 three firearms in new condition all pass the following test: Each of the three 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 six 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 five firearms in new condition all undergo, and none discharge during, the following test: Each of the five 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 three 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 seven 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 three 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 five 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 two more times on the firearm. The arithmetic mean of each of the three 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 section one hundred and thirty or section 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 section 131½ 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 section 131½ 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 section 122 or section 122B shall sell, rent, lease, transfer or deliver any rifle, shotgun or firearm or ammunition or ammunition feeding device contrary to the provisions of section 130 or section 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 section 122 or section 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 section 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 section 122 and to the provisions of section 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 section one hundred and twenty-two, or section one hundred and twenty-two B, 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 section 129B, licenses to carry firearms issued under section 131 and permits to purchase, lease or rent firearms issued under section 131A.

#### **Section 124. Firearms – License to Sell – Expiration.**

Licenses issued under §§ 122 and 122B shall expire 3 years from the date of issuance.

#### **Section 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.

#### **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.

#### **Section 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.

#### **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.

## **Section 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.

## **Section 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.

## **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 section 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 section 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 section 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 section 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 section 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 sections 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 section 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 section 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 section 35 of said chapter 123, unless the applicant was granted a petition for relief of the court's order pursuant to said section 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 section 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; (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); or (C) an extreme risk protection order issued pursuant to sections 131R to 131X, inclusive, or a similar order issued by another jurisdiction;

**(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.

**(1½)**

**(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 seven 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 section 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 section 131 or under the direct supervision of a holder of a Class A license issued to an individual under section 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 section 131 or under the direct supervision of a holder of a Class A or Class B license issued to an individual under section 131 at an incorporated shooting club or licensed shooting range. A firearm identification card issued pursuant to subclause (vi) of clause (1) of section 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 section 121.

**(7)** A firearm identification card shall be in a standard form provided by the commissioner of the department 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 section 8 of chapter 90 and shall contain an identification number, name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the cardholder and shall be marked "Firearm Identification Card" and shall provide in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline and the Samaritans Statewide Helpline. If a firearm identification card is issued pursuant to clause (vi) of section 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 six months nor more than two 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 section 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. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited in the General Fund; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly that portion of the firearm identification card application fee which is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year.

**(9B)** The application fee for a firearm identification card issued pursuant to clause (vi) of section 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. The licensing authority shall retain 50 per cent of the fee and the remaining portion shall be deposited in the General Fund. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly that portion of the firearm identification card application fee which is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year. 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. The licensing authority shall retain 50 per cent of the fee and the remaining portion shall be deposited into the General Fund. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly that portion of the firearm identification card application fee which is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year.

**(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 section 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 section 10 of said chapter 269 shall not apply; provided, however, that the exemption from the provisions of said section 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 section 129D. Pending the issuance of a renewed firearm identification card, a receipt for the fee paid, after five 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 section 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.

### **Section 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 section one hundred and twenty-nine B.

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 seven days, report all such transfers to the commissioner of the department of criminal justice information services according to the provisions set forth in section one hundred and twenty-eight A, 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 section 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 section 129B on a

second or subsequent occasion may be subject to suspension, revocation or be considered unsuitable under said section 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 fifteen 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 one hundred and eighty 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 section 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 eighteen 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 eighteen in violation of section one hundred and thirty 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 section one hundred and thirty-one unless he presents a valid firearm identification card and a permit to purchase issued under section one hundred and thirty-one A, 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 section 131.

The possession of a firearm identification card issued under section one hundred and twenty-nine B shall not entitle any person to carry a firearm in violation of section ten of chapter two hundred and sixty-nine and, the possession of a firearm identification card issued under section 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 section 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, nineteen hundred and seventy, 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 section one hundred and twenty-nine D, except that such firearm, rifle or shotgun shall be returned forthwith upon presentation within thirty 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 thirty 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 section one hundred and twenty-nine D will apply. Nothing in this section shall prevent any person from being prosecuted for any violation of this chapter.

#### **Section 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.

### **Section 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.

**Section 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.

**Section 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.

**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 section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 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 section 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 sections 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 section 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 section 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 section 35 of said chapter 123, unless the applicant was granted a petition for relief of the court order pursuant to said section 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 sections 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 seven 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 section 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 section 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 six months nor more than two 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 the purposes of section 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 six months nor more than two 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 section 10 of chapter 66.

(m) Notwithstanding the provisions of section 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 section 10 of chapter 269 shall not apply; provided, however, that the exemption from the provisions of said section 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 section 129D. The provisions of this paragraph shall not apply if such person has a valid license to carry firearms issued under section 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.

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

**(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.

#### **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.

#### **Section 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.

#### **Section 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 section 122, or from such person as shall be qualified under section 128A, or ammunition from a licensee under section 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 section 129B; or (ii) a valid Class A or Class B license to carry firearms issued under section 131; or (iii) valid proof of exempt status under section 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 section 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 section 131; or (ii) a valid firearm identification card issued under section 129B together with a valid permit to purchase a firearm issued under section 131A; or (iii) a valid permit to purchase a firearm issued under section 131A together with valid proof of exempt status under section 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 section 131; or (ii) a valid firearm identification card issued under section 129B together with a valid and proper permit to purchase a firearm issued under section 131A; or (iii) a valid and proper permit to purchase a firearm issued under section 131A together with valid proof of exempt status under section 129C; and provided further, that neither a firearm identification card issued under section 129B, nor proof of exempt status under section 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 section 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 one thousand nor more than fifty thousand dollars, or by imprisonment for not less than two and one-half years nor more than ten 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 section one hundred and twenty-nine B or section one hundred and thirty-one shall be issued to any such person within two years after the date of said revocation.

#### **Section 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.

#### **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.

#### **Section 131I. 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.

#### **Section 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.

#### **Section 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. It shall be unlawful to store or keep any stun gun in any place unless such weapon is secured in a locked container accessible only to 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.

#### **Section 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.

#### **Section 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.

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

**(a)** Any person making application for the issuance of a firearms identification card under section 129B, a license to carry firearms under section 131 or 131F or a permit to purchase under section 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 section 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 section 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 section 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 ten 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 section 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 two 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 two years in a house of correction, or by both such fine and imprisonment.

### **Section 131R. Firearms – Possession – License to Carry – Petition of Risk of Bodily Injury.**

**(a)** A petitioner who believes that a person holding a license to carry firearms or a firearm identification card may pose a risk of causing bodily injury to self or others may, on a form furnished by the court and signed under the pains and penalties of perjury, file a petition in court.

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

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

**(ii)** identify the reasons why the petitioner believes that the respondent poses a risk of causing bodily injury to self or others by having in the respondent's control, ownership or possession a firearm, rifle, shotgun, machine gun, weapon or ammunition;

**(iii)** identify the number, types and locations of any firearms, rifles, shotguns, machine guns, weapons or ammunition the petitioner believes to be in the respondent's current control, ownership or possession;

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

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

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

**(d)** The petitioner's residential address, residential telephone number and workplace name, address and telephone number, contained within the records of the court related to a petition shall be confidential and withheld from public inspection, except by order of the court; provided, however, that the petitioner's residential address and workplace address shall appear on the court order and shall be accessible to the respondent and the respondent's attorney unless the petitioner specifically requests, and the court orders, that this information be withheld from the order. All confidential portions of the records shall be accessible at all reasonable times to the petitioner and the petitioner's attorney, the licensing authority of the municipality where the respondent resides and to law enforcement officers, if such access is necessary in the performance of their official duties. Such confidential portions of the court records shall not be deemed to be public records under the provisions of clause twenty-sixth of section 7 of chapter 4.

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

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

### **Section 131S. Firearms – Possession – License to Carry – Petition of Risk of Bodily Injury – Hearing.**

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

**(b)** Notwithstanding the provisions of subsection (a), the court shall, within 2 days of receipt of a petition made pursuant to section 131R, conduct a hearing on the petition if the respondent files an affidavit that a firearm, rifle, shotgun, machine gun, weapon or ammunition is required in the performance of the respondent's employment.

**(c)** If after the hearing pursuant to subsection (a) or subsection (b), the court finds by a preponderance of the evidence that the respondent poses a risk of causing bodily injury to self or others by having in the respondent's control, ownership or possession a firearm, rifle, shotgun, machine gun, weapon or ammunition, the court shall grant the petition. If the

respondent does not appear at the hearing pursuant to subsection (a) or subsection (b), the court shall grant the petition upon a determination that the petitioner has demonstrated by a preponderance of the evidence that the respondent poses such a risk.

**(d)** Upon granting a petition, the court shall issue an extreme risk protection order and shall order the respondent to surrender any licenses to carry firearms, firearms identification cards and all firearms, rifles, shotguns, machine guns, weapons and ammunition which the respondent then controls, owns or possesses, to the licensing authority of the municipality where the respondent resides. The court shall enter written findings as to the basis of its order within 24 hours of granting the order. The court may modify, suspend or terminate its order at any subsequent time upon motion by either party; provided, however, that due notice shall be given to the respondent and petitioner, and the court shall hold a hearing on said motion. When the petitioner's address is confidential to the respondent as provided in subsection (d) of section 131R and the respondent has filed a motion to modify the court's order, the court shall be responsible for notifying the petitioner. In no event shall the court disclose any such confidential address.

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

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

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

**(f)** Upon receipt of service of an extreme risk protection order, the licensing authority of the municipality where the respondent resides shall immediately suspend the respondent's license to carry firearms or a firearm identification card and shall immediately notify the respondent of said suspension.

Upon receipt of service of an extreme risk protection order the respondent shall immediately surrender their license to carry firearms or a firearm identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition in their control, ownership or possession to the local licensing authority serving the order, in accordance with section 129D; provided, however, that nothing in this section or in said section 129D shall allow the respondent to: (i) transfer any firearms, rifles, shotguns, machine guns, weapons or ammunition required to be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer; or (ii) maintain control, ownership or possession of any firearms, rifles, shotguns, machine guns, weapons or ammunition during the pendency of any appeal of an extreme risk protection order; provided, however, that while the surrender of ownership pursuant to an extreme risk protection order shall require the immediate surrender of any license to carry firearms or a firearm identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition in the respondent's control or possession, it shall not require the surrender of permanent ownership rights; and provided further that, notwithstanding section 129D, if the licensing authority cannot reasonably ascertain a lawful owner of firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered pursuant to extreme risk protection order within 180 days of the expiration or termination of the extreme risk protection order, the licensing authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns, machine guns, weapons or ammunition to properly licensed distributors or firearms dealers and the proceeds of such sale or transfer shall be remitted or credited to the municipality in which the licensing authority presides to be used for violence reduction or suicide prevention. A violation of this subsection shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2½ years in a house of correction or by both such fine and imprisonment.

**(g)** Upon receipt of a license to carry firearms or a firearm identification card and any firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered by a respondent pursuant to subsection (f), the licensing authority taking possession of the license to carry firearms or a firearm identification card and firearms, rifles, shotguns, machine guns, weapons or ammunition shall issue a receipt identifying any license to carry firearms or a firearm identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered by the respondent and shall provide a copy of the receipt to the respondent. The licensing authority to which the respondent surrendered a license to carry firearms or a firearm identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition shall, within 48 hours of the surrender, file the receipt with the court.

**(h)** If a person other than the respondent claims title to any firearms, rifles, shotguns, machine guns, weapons or ammunition required to be surrendered or surrendered, pursuant to this section, and is determined by the licensing authority to be the lawful owner of the firearms, rifles, shotguns, machine guns, weapons or ammunition, the firearms, rifles, shotguns, machine guns, weapons or ammunition shall be returned to the person; provided, however, that: (i) the firearms, rifles, shotguns, machine guns, weapons or ammunition are removed from the respondent's control, ownership or possession and the lawful owner agrees to store the firearms, rifles, shotguns, machine guns, weapons or ammunition in a manner such that the respondent does not have access to, or control of, the firearms, rifles, shotguns, machine guns, weapons or ammunition; and (ii) the firearms, rifles, shotguns, machine guns, weapons or ammunition are not otherwise unlawfully possessed by the owner. A violation of this subsection shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2½ years in a house of correction or by both such fine and imprisonment.

**(i)** Upon the expiration or termination of an extreme risk protection order, a licensing authority holding any firearms, rifles, shotguns, machine guns, weapons or ammunition that have been surrendered pursuant to this section shall return any license to carry firearms or firearm identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition requested by a respondent only after the licensing authority of the municipality in which the respondent resides confirms that the respondent is suitable for a license to carry firearms or a firearm identification card and to control, own or possess firearms, rifles, shotguns, machine guns, weapons or ammunition under federal and state law.

Not less than 7 days prior to expiration of an extreme risk protection order, a licensing authority holding any firearms, rifles, shotguns, machine guns, weapons or ammunition that have been surrendered pursuant to this section shall notify the petitioner of the expiration of the extreme risk protection order and the return of a license to carry firearms or firearm identification card and the return of any firearms, rifles, shotguns, machine guns, weapons or ammunition to the respondent.

As soon as reasonably practicable after receiving notice of the termination of an extreme risk protection order by the court, a licensing authority holding any firearms, rifles, shotguns, machine guns, weapons or ammunition that have been surrendered pursuant to this section shall notify the petitioner of the termination of the extreme risk protection order and the return of a license to carry firearms or firearm identification card and the return of any firearms, rifles, shotguns, machine guns, weapons or ammunition to the respondent.

**(j)** A respondent who has surrendered a license to carry firearms or firearm identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition to a licensing authority and who does not wish to have the license to carry firearms or firearm identification card or firearms, rifles, shotguns, machine guns, weapons or ammunition returned or who is no longer eligible to control, own or possess firearms, rifles, shotguns, machine guns, weapons or ammunition pursuant to this chapter or federal law, may sell or transfer title of the firearms, rifles, shotguns, machine guns, weapons or ammunition to a licensed firearms dealer; provided, however, that the respondent shall not take physical possession of the firearms, rifles, shotguns, machine guns, weapons or ammunition. The licensing authority may transfer possession of the firearms, rifles, shotguns, machine guns, weapons or ammunition to a licensed dealer upon the dealer providing the licensing authority with written proof of the sale or transfer of title of the firearms, rifles, shotguns, machine guns, weapons or ammunition from the respondent to the dealer.

#### **Section 131T. Firearms – Possession – License to Carry – Petition of Risk of Bodily Injury – Emergency Extreme Risk Protection Order.**

**(a)** Upon the filing of a petition pursuant to section 131R, the court may issue an emergency extreme risk protection order without notice to the respondent and prior to the hearing required pursuant to subsection (a) of section 131S if the court finds reasonable cause to conclude that the respondent poses a risk of causing bodily injury to the respondent's self or others by being in possession of a license to carry firearms or a firearm identification card or having in the respondent's control, ownership or possession a firearm, rifle, shotgun, machine gun, weapon or ammunition.

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

**(b)** When the court is closed for business, a justice of the court may grant an emergency extreme risk protection order if the court finds reasonable cause to conclude that the respondent poses a risk of causing bodily injury to the respondent's self or others by being in possession of a license to carry firearms or firearm identification card or by having in the respondent's control, ownership or possession of a firearm, rifle, shotgun, machine gun, weapon or ammunition. In the discretion of the justice, such relief may be granted and communicated by telephone to the licensing authority of the municipality where the respondent resides, which shall record such order on a form of order promulgated for such use by the chief justice of the trial court and shall deliver a copy of such order on the next court business day to the clerk-magistrate of the court. If relief has been granted without the filing of a petition pursuant to section 131R, the petitioner shall appear in court on the next available court business day to file a petition. An order issued under this subsection shall expire at the conclusion of the next court business day after the order was issued unless a petitioner has filed a petition

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

(c) Upon receipt of service of an extreme risk protection order pursuant to this section, the respondent shall immediately surrender the respondent's license to carry firearms or firearm identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition to the local licensing authority serving the order as provided in subsection (f) of section 131S.

**Section 131U. Firearms – Possession – License to Carry – Petition of Risk of Bodily Injury – Notification of Emergency Extreme Risk Protection Order.**

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

**Section 131V. Firearms – Possession – License to Carry – Petition of Risk of Bodily Injury – Notification of Emergency Extreme Risk Protection Order – False Petition, Penalties.**

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

**Section 131X. Firearms – Possession – License to Carry – Petition of Risk of Bodily Injury – Notification of Emergency Extreme Risk Protection Order – Removal of Firearms.**

(a) Sections 131R to 131Y, inclusive, shall not affect the ability of a law enforcement officer to remove firearms, rifles, shotguns, machine guns, weapons or ammunition from any person or conduct any search and seizure for firearms, rifles, shotguns, machine guns, weapons or ammunition pursuant to other lawful authority.

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

(c) Sections 131R to 131Y, inclusive, shall not impose any duty on a family or household member to file a petition and no family or household member shall be held criminally or civilly liable for failure to petition.

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

**Part II – Real and Personal Property and Domestic Relations**  
**Title III – Domestic Relations**  
**Chapter 209A – Abuse Prevention**

**Section 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.

### **Section 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 section 4 or upon petition for review as described in section 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 section 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 two and one-half years in a house of correction or by both such fine and imprisonment.

## **Part III – Courts, Judicial Officers and Proceedings in Civil Cases**

### **Title I – Courts and Judicial Officers**

#### **Chapter 215 – Probate Courts**

### **Section 56C. Incapacitated Persons – Firearm Sales and Licensing; Petition for Relief.**

(a) Notwithstanding any general or special law, to the contrary, the administrative office of the trial court shall transmit an order of the probate court appointing a guardian or conservator for an incapacitated person under Parts 3 or 4 of Article 5 of chapter 190B, on the grounds that the person lacks mental capacity to contract or manage the person's affairs, and any subsequent order terminating or rescinding the appointment, to the department of criminal justice information services to provide: (i) licensing authorities as defined pursuant to section 121 of chapter 140 with information required or permitted to be considered under state and federal law to conduct background checks for firearm sales or licensing; and (ii) the Attorney General of the United States with information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained to conduct background checks for firearms sales or licensing. The department shall transmit no more information than is necessary for the purpose stated above and the information shall not be considered a public record under clause Twenty-sixth of section 7 of chapter 4 and section 10 of chapter 66.

(b) A person found to lack the mental capacity to contract or manage the person's affairs may, after 5 years from the date of the finding, file a petition for relief with the probate court that ordered the commitment requesting the court to restore the person's ability to possess a firearm. The court may grant the relief sought in accordance with due process if the circumstances regarding the person's disqualifying condition and the person's record and reputation are determined to be such that: (i) the person is not likely to act in a manner that is dangerous to public safety; and (ii) the granting of relief would not be contrary to the public interest. In making the determination, the court may consider evidence from a licensed physician or clinical psychologist that the person is no longer suffering from the disease or condition that caused the incapacity or that the disease or condition has been successfully treated for a period of 3 consecutive years. Upon the granting of a petition for relief, the administrative office of the trial court shall immediately forward a copy of the order for relief to the department of criminal justice information services for the purposes listed in subsection (a).

## **Part IV – Crimes, Punishments and Proceedings in Criminal Cases**

### **Title I – Crimes and Punishments**

#### **Chapter 269 – Crimes against Public Peace**

## **Section 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 section one hundred and twenty-one of chapter one hundred and forty 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 section one hundred and thirty-one of chapter one hundred and forty; or
- (3)** having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or
- (4)** having complied with the provisions of sections one hundred and twenty-nine C and one hundred and thirty-one G of chapter one hundred and forty; or
- (5)** having complied as to possession of an air rifle or BB gun with the requirements imposed by section twelve B; 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 section one hundred and thirty-one of chapter one hundred and forty; or
- (3)** having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or
- (4)** having in effect a firearms identification card issued under section one hundred and twenty-nine B of chapter one hundred and forty; or
- (5)** having complied with the requirements imposed by section one hundred and twenty-nine C of chapter one hundred and forty 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 section twelve B; shall be punished by imprisonment in the state prison for not less than two and one-half years nor more than five years, or for not less than 18 months nor more than two and one-half 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 section one hundred and thirty-one or section one hundred and thirty-one F of chapter one hundred and forty shall be deemed to be in violation of this section.

The provisions of section eighty-seven of chapter two hundred and seventy-six 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 fourteen 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 section one hundred and twenty-nine C of chapter one hundred and forty 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 section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter one hundred and forty; 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 section one hundred and twenty-one of said chapter one hundred and forty, 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 section one hundred and twenty-nine B of chapter one hundred and forty, shall for the first offense be punished by confinement in a jail or house of correction for not more than two and one-half years, or by a fine of not more than five hundred dollars.

**(h)**

**(1)** Whoever owns, possesses or transfers a firearm, rifle, shotgun or ammunition without complying with the provisions of section 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 section 129C of chapter 140 or section 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 2½ 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 section one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty, or firearm identification card, or receipt for the fee for such card, or a firearm, rifle, shotgun or machine gun, as provided in section one hundred and twenty-nine D of chapter one hundred and forty, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars.

**(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 section seventy-five of chapter one hundred and nineteen and convicted under section eighty-three of chapter one hundred and nineteen, provided, however, that nothing contained in this section shall impair, impede, or affect the power granted any court by chapter one hundred and nineteen to adjudicate a person a delinquent child, including the power so granted under section eighty-three of said chapter one hundred and nineteen.

**(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 section 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 two and one-half years nor more than ten years. The possession of a valid firearm identification card issued under section 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 one 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, however, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution or the administrator of a county correctional institution, grant to such offender a temporary release in the custody of an officer of such institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii) to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services unavailable at such institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file. The provisions of section 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 2½ 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.

#### **Section 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.

#### **Section 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 and 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.

#### **Section 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 section 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 two and one-half years nor more than ten years. Any person who commits a second or subsequent such crime shall be punished by imprisonment in a state prison for not less than five years nor more than 15 years. The sentence imposed upon such person shall not be reduced to less than two and one-half years for a first offense, nor less than five years for a second or subsequent such offense, 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, however, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution or the administrator of a county correctional institution, grant to such offender a temporary release in the custody of an officer of such institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii) to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services unavailable at such institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file. The provisions of section 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 five nor more than 15 years. The sentence imposed upon such person shall not be reduced to less than five 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 five years of such sentence; provided, however, that the commissioner of corrections may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution or the administrator of a county correctional institution, grant to such offender a temporary release in the custody of an officer of such institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii) to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services unavailable at such institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file. The provisions of section 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.

#### **Section 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 from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in § 18 of chapter 270 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.

#### **Section 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.

#### **Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Agawam Code of Ordinances**  
Current through January 22, 2019.

**Chapter 180 – Zoning**  
**Article X – Industrial District A**

**Section 180-55. Permitted uses.**

**B.** Any industrial purpose, except those contained in the following list, which may be allowed, by special permit, only after a public hearing before the Board of Appeals:

**(7)** Explosives, fireworks or ammunition manufacture.

**Andover Code of Ordinances**  
Current through January 22, 2019.

**Article XII – Miscellaneous Bylaws**

**Section 40. Pawnbrokers and secondhand dealers.**

**II. Definitions.**

**Secondhand Dealer**

Any person, firm, partnership or corporation whose business is the retail buying, selling, buy-back, exchanging, dealing in or dealing with secondhand articles purchased by the secondhand dealer or any person so employed at the place of business described on the license issued by the Board of Selectmen as required by § III of this bylaw, including but not limited to ...firearms, auto accessories, sporting equipment and collectibles. Mail order transactions or retail stores that exchange or provide cash or credit for returned articles shall not be included within these definitions.

**III. Licensing procedure.**

**A.** No person, firm, partnership or corporation shall operate, conduct or engage in business as a secondhand dealer/pawnbroker unless such person, firm, partnership or corporation shall first obtain a license from the Board of Selectmen or their designee, i.e. Chief of Police. This provision shall not apply to loans made upon stock, bonds, notes or other written evidence of ownership of property or of indebtedness to the holder or owner of any such securities.

**V. Records, inspections, resale, changes, alterations.**

**E.** No pawnbroker shall loan money secured by a deposit or pledge of firearm, rifle, shotgun or machine gun. No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns, or machine guns.

**Athol Zoning By-laws**

Current through July 22, 2019.

**Article III – General Regulations**

**Section 3.12. Prohibit Uses**

The following uses shall be defined as prohibited uses within the Zoning by-laws:

Explosives, fireworks, or ammunition manufacture

**Attleboro Code of Ordinances**

Current through August 20, 2020.

**Chapter 9 – Licenses and Permits**

**Section 9-34 – Pawnbrokers**

**Section 9-34.15. No pawnbroker shall sell, rent, or lease firearms, rifles, shotguns or machine guns.**

A pawnbroker who loans money secured by deposit or pledge or a firearm, rifle, shotgun, or machine gun, shall be punished , in accordance with the provisions of General Laws, Chapter 140, Section 131B, by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one (1) years, or by both.

**Avon General By-laws**

Current through May 7, 2019.

**Division 1: Bylaws**

**Part II: General Legislation**

**Chapter 179 – Pawnbrokers**

**Section 179-14. Firearms and Weapons.**

No pawnbroker shall sell, rent, or lease firearms, rifles, shotguns or machine guns. A pawnbroker, who loans money secured by deposit or pledge or a firearm, rifle, shotgun, or machine gun, shall be punished, in accordance with the provisions of General Laws, Chapter 140, Section 131B, by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one (1) years or by both.

**Belchertown Code of Ordinances**  
Current through May 13, 2019.

**Chapter 145 – Zoning**  
**Article VIII – Industrial Regulations**

**Section 145-31. Prohibited uses.**

The following noxious or hazardous uses are prohibited in any district:

- G. Explosive, fireworks or ammunition manufacture.

**Beverly Code of Ordinances**  
Current through July 23, 2019.

**Chapter 192 – Licenses and Business Regulations**  
**Part 2 – Licensed Businesses**  
**Article VII – Pawnbrokers**

**Section 192-42. Firearms.**

- A. No pawnbroker shall loan money secured by deposit or pledge of a firearm, rifle, shotgun or machine gun.
- B. No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns, or machine guns.

**Boston Code of Ordinances**  
Current through Ordinance 2019, c. 9, passed December 11, 2019.

**Chapter XVIII – Fees and Charges**  
**18-1 – Enumeration of Fees and Charges.**

**Section 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.

**Section 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 XIX – Schools**  
**19-1 – School Department**

**Section 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 Code of Ordinances**

Current through Ordinance 2020-3, updated on July 23, 2020, Supplement 10.

#### **Title 9 – Public Peace, Morals and Welfare Chapter 9.16 – Weapons**

##### **Section 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.

##### **Section 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.

##### **Section 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.

### **Carver Bylaws**

Current through April 22, 2019.

#### **Chapter 8 – Licensing and Regulation**

##### **Section 8.6.2. Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

###### **Property**

Anything of value, including but not limited to ... firearms, auto accessories and office and store fixtures and related equipment.

###### **Secondhand Dealer**

Any person, firm, partnership or corporation whose business is the retail buying, selling, buy-back, exchanging, dealing in or dealing with secondhand articles and property. Secondhand dealers are regulated according to Massachusetts General Law, Chapter 140 Sections. 54 - 55 and 202 - 205.

##### **Section 8.6.4. License required; application requirements.**

No person, firm, partnership or corporation shall operate, conduct or engage in business as a pawnbroker or secondhand dealer unless such person, firm, partnership or corporation obtains a license from the Town of Carver through the Board of Selectmen in accordance Massachusetts General Law, Chapter 140 sections 54 - 55, 70 – 84 and 202 – 205, respectively. Applications for licenses for pawnbrokers or secondhand dealers shall be made in writing to the Town of Carver on forms provided by the Town of Carver.

### **Chicopee Code of Ordinances**

Current through January 21, 2020.

#### **Chapter 188 – Licenses**

##### **Section 188-10. Licenses for the sale or rental of firearms.**

Licenses may be granted to persons to sell, rent or lease firearms at a specified location. The license fee shall be as set from time to time by the City Council.

**East Longmeadow Zoning By-Laws**  
Current through January 22, 2019.

**Section III – Use Regulations**

**Section 3.0. Schedule of use regulations.**

**3.01 Prohibited Uses**

Any use not listed herein or otherwise permitted in a district shall be deemed as prohibited.

Additionally, all enterprises or industrial uses commonly regarded as hazardous or offensive are specifically prohibited in all districts. Prohibited uses shall include, but are not limited to, the following:

**3.011 Industrial Uses**

g. Explosives, fireworks or ammunition manufacture.

**Everett Code of Ordinances**

Current through legislation passed April 29, 2019.

**Appendix A**  
**Zoning**

**Section 21A. Adult Entertainment Land Use.**

**A. Declaration of Purpose.**

10. Gun Shop - the premises of any federally licensed firearms dealer where the primary Business or commercial enterprise conducted on the premises is the purchase or sale of firearms or firearm ammunition.

**C. Adult Use Restrictions**

1. ... Gun Shop may not be located:

a. Within one thousand (1,000) feet of each other;

b. Within five hundred (500) feet of the nearest lot line of:

i. a Residential District, or

ii. a place of worship or a building used for religious purposes unless the Board of Appeals first determines in writing that the use will not be detrimental to the spiritual activities;

c. Within one thousand (1,000) feet of a non-profit educational use, library, or museum;

d. Within one thousand (1,000) feet of a park or playground; or

e. Within one thousand (1,000) feet of any establishment licensed under the provisions of section 12 of Chapter 138 of the General Laws.

2. All ... Gun Shop shall have no advertisement, display, or other promotional material visible to the public from any public way including held within limited to pedestrian walkways.

**D. Applications, Special Permits**

... Gun Shop may be allowed, by Special Permit, within Industrial and Industrial Limited Districts subject to the restrictions of Section 3 and subject to the regulations imposed by the Special Permit Granting Authority. For the purpose of this section the Special Permit Granting Authority shall be the city council of the City of Everett.

e. Special Permits issued to an ... Gun Shop shall expire one year from the date of the issuing of the permit, and including such time required to pursue or await the determination of an appeal referred to in G.L.c. 40A s. 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

**Fall River Code of Ordinances**

Current through December 16, 2019.

**Chapter 14 – Businesses**  
**Article XIII – Pawnbrokers**

**Section 14-509. Firearms.**

A. No pawnbroker shall loan money secured by deposit or pledge of a firearm, rifle, shotgun or machine gun.

B. No pawnbroker shall hold a license to sell, rent or lease a firearm, rifles, shotguns or machine guns.

**Fitchburg Code of Ordinances**

Current through December 17, 2019.

**Chapter 130 – Pawnbrokers; Dealers in Metal  
Article 1 – Pawnbrokers**

**Section 130-12. Prohibitions.**

B. No pawnbroker shall loan money secured by deposit or pledge of a firearm, rifle, shotgun or machine gun.

C. No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifle, shotgun, or machine gun.

**Haverhill Code of Ordinances**

Current through July 14, 2020.

**Chapter 145. Explosives and Firearms  
Article I – Explosives**

**Section 145-4. License required for sale or rental of firearms; terms; fees.**

All applications for licenses to sell, rent or lease firearms shall first be approved by the Chief of Police before such licenses are granted. The conditions expressed in MGL c. 140, § 123, shall be incorporated in every license so granted, and the City Council shall fix and determine the fees to be charged for such licenses according to the provisions of § 171-4 of this Code.

**Chapter 167 – Junk Dealers**

**Section 167-16. Selling of firearms.**

It shall be unlawful for any junk dealer to hold a license to sell firearms.

**Chapter 187. Pawnbrokers; Secondhand Articles; Old Gold**

**Section 187-7. Procedure when making loan; loans against firearms.**

B. No loan shall be granted against any firearm, rifles, shotguns or machine guns.

**Section 187-13. Sale, lease or rental of firearms prohibited.**

No holder of any of these licenses shall hold a license to sell, rent or lease a firearm, rifles, shotguns or machine guns.

**Huntington Zoning By-Laws**

Current through April 2018.

**Section IV – Use Regulations**

**Section IV. D Non-residential uses on lots not also used for residence.**

The following categories are prohibited in residential districts and require special permit elsewhere.

**IV D 3e** Sales, service, or repair of firearms, ammunition, or explosives.

**Lawrence Code of Ordinances**

Current through Document Number 304/2019, approved December 3, 2019. (Supplement Number 6)

**Title 5 – Business Licenses and Regulations  
Chapter 5.72 – Pawnbrokers**

**Section 5.72.060. Purchase of certain items prohibited, Penalty.**

**B.**

I. No keeper of a pawnshop shall purchase or take in pawn any firearm.

**Section 5.72.070. Rules and regulations.**

The following rules shall govern the licensing and operation of pawnbrokers:

I. Rule nine. ... No pawnbroker shall loan money secured by a deposit or pledge of a firearm, including, but not limited to, rifles, shotguns or machine guns.

**Lawrence Zoning Ordinance**  
Current through August 15, 2011.

**Section 29-23. General or specific provisions.**

(ddd) Home occupation – by special permit with a site review.

Prohibited Occupations

The following shall be prohibited as home occupations:

(e) Firearms

An occupation that entails the manufacturing, sale, lease, or rental of firearms and/or ammunition.

**Leominster Code of Ordinances**  
Current through Ordinance of August 2, 2019. (Supplement Number 18)

**Chapter 12 – Licensees**  
**Article I – In General**

**Section 12-2. Fees – Schedule.**

Fees for licenses are hereby established as follows:

|                      |      |
|----------------------|------|
| 5. Firearms, sale of | 5.00 |
|----------------------|------|

**Lowell Code of Ordinances**  
Current through February 25, 2020.

**Chapter 185 – Junk and Secondhand Dealers**

**Section 185-10. Yard sale.**

Any display of merchandise for sale or barter at a residential location not otherwise regularly used or specifically designated for the sale or exchange of merchandise. For the purpose of this section, yard sales include similar events also known as "garage sales," "tailgate sales," "flea markets," "house sales" and "moving sales."

**A. Permit required; limitations.**

(4) All items for sale at the event must originate from the home and may not include merchandise such as alcoholic beverages, firearms, fireworks, animals, or any other merchandise that requires proper licensing or authorization from state or local authorities.

**Ludlow Zoning Bylaws**  
Current through October 1, 2018.

**Section III – General Use Regulations**

**Section 3.2. Prohibited uses.**

District-Specific Prohibited Uses

**3.2.6 Industrial A, Industrial C, and Mill Redevelopment Districts**

The manufacture and production of the following industrial uses are prohibited in Industrial A, Industrial C, and the Mill Redevelopment Districts:

Explosives, fireworks or ammunition manufacture

**Lunenburg Code of Ordinances**  
Current through September 3, 2019.

**Chapter 184 – Pawnbrokers and Dealers in Metal**  
**Article I – Buyers and Sellers of Goods and Electronics**

**Section 184-12. Prohibitions.**

**B.** No pawnbroker or buyer shall loan money secured by deposit or pledge of a firearm, rifle, shotgun or machine gun.

**C.** No pawnbroker or buyer shall hold a license to sell, rent, or lease a firearm, rifle, shotgun, or machine gun.

**Malden Code of Ordinances**  
Current through 2019.

**Chapter 6 – Business Licenses, Permits and Regulations**

**Section 6.16.20 Firearms business- alarm required.**

- A. No license shall be granted under the provisions of MGL Chapter 140, Section 122 for the sale, rental or lease of firearms, rifles, shotguns, machine guns or for business as a gunsmith, unless the applicant or license holder has installed in the business premises, an alarm system which is connected to the Malden Police Department.
- B. The alarm system required hereunder shall be a silent type which may be activated either manually while the store is open for business or automatically while the store is closed.

**Chapter 7 – Public Peace, Safety and General Welfare**

**Section 10.12.040. Weapons prohibited on school grounds.**

- A. No person shall, while in a school or on school grounds, carry on his person or under his control any knife, gun or other implement or device so designed or redesigned so that the same may be used to inflict bodily harm or injury to another. No person shall, while in a school or on school grounds, carry on his person or under his control any replica or reproduction of a gun, knife or other weapon, whether or not functional.
- B. The provisions of this section shall not apply to any implement employed in activities sanctioned by school administrators and used under the direction of school personnel.
- C. Violation of the provisions of this section shall be punishable by arrest or a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) for each offense and may be punished in the manner provided under Massachusetts General Laws Chapter 40 Section 21D.

**Marlborough Code of Ordinances**  
Current through June 3, 2019.

**Chapter 619 – Weapons**  
**Article II – School Security**

**Section 619-3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**Firearm**

Any pistol, revolver, rifle or smooth-bore arm from which a shot, bullet, pellet or other projectile can be discharged by whatever means.

**Property**

Any land, building, structure, trailer, mobile home or vehicle, whether owned, leased, rented, hired or donated and any bus or other school transportation vehicle, whether owned, leased, rented, hired or donated.

**School**

Any institution, whether public, private or parochial, established for the purpose of providing education, instruction and/or training at the preschool, kindergarten, elementary, middle, secondary, vocational, college or university levels.

**Section 619-4. Prohibited acts on school property.**

**A.** No person, other than a law enforcement officer and regardless of any license obtained by such person under the provisions of MGL Chapter 140, shall enter or remain in, on or upon the property of a school while carrying or in possession of a firearm, as defined in this article; an air, BB or pellet gun or pistol; chemical mace or an oleoresin capsicum product; a bow or crossbow; a billy club, nightstick or police baton; a starter's pistol; a replica firearm, handgun or shotgun, regardless of the actual use or purpose for which it was designed; ... or any weapon enumerated in paragraph (b) of Section 10 of Massachusetts General Law Chapter 269, without the written authorization of the board, officer or person in charge of such school.

**North Reading Code of Ordinances**  
Current through June 10, 2019.

**Chapter 143 – Secondhand Dealers and Pawnbrokers**

**Section 143-2. Definitions.**

**Second-Hand Dealer**

Shall mean any person, firm, partnership or corporation whose business is the retail buying, selling, buy-back, exchanging, dealing in or dealing with second-hand articles including but not limited to ... firearms, auto accessories, sporting equipment and collectibles. Mail order transactions or retail stores that exchange or provide cash or credit for returned articles shall not be included within these definitions.

**Section 143-3. Licensing procedure.**

**A.** No person, firm, partnership, or corporation shall operate, conduct, or engage in business as a second-hand dealer/pawnbroker unless such person, firm, partnership, or corporation shall first obtain a license from the Select Board or their designee, i.e. Chief of Police.

**Norwell Zoning Bylaws**

Current through February 10, 2020.

**Chapter 201 Zoning**  
**Part 2 – District Use Regulations**  
**Article 8 District Use Regulations**

**Section 201-8.1 – Residential Districts**

**E.** Prohibited Home Occupations. The following uses shall be prohibited:

**10.** Sales of firearms and/ or ammunition

**Peabody Code of Ordinances**

Current through Letter of August 25, 2017. (Supplement Number 3)

**Chapter 16 – Licensees**  
**Article II – License Fees**

**Section 16-22. Firearms.**

The fee for a license to sell, rent or lease firearms shall be \$2.00.

**Plymouth Code of Ordinances**

Current through October 21, 2017.

**Chapter 130 – Pawnbroker Licensing**

**Section 130-11. Prohibited Acts**

No licensed pawnbroker shall loan money secured by deposit or pledge of firearm, rifle, shotgun or machine gun.

No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns or machine guns.

**Randolph Code of Ordinances**

Current through July 29, 2019.

**Part II – General Legislation**  
**Chapter 200 – Zoning**  
**Article I – General Provisions**

**Section 200-3. Word usage; definitions.**

**Sporting Goods Sales/Rental, with Firearms**

The sale or rental of clothing or equipment designed for sports/recreational purposes, including firearms.

**Attachment 1**

**Table of Allowable Activity**

|  | CSBD | NRBD | WCBBD | GPCCOD | BRHD | GBHD | BD | BP | OSBD | ID   | RSHDD | RSMDD | RMFD | R2FD | RMF55+D | BHAD | SFD |
|--|------|------|-------|--------|------|------|----|----|------|------|-------|-------|------|------|---------|------|-----|
| Professional/Retail                        |      |      |       |        |      |      |    |    |      |      |       |       |      |      |         |      |     |
| Sporting goods sales/rental, with firearms | N    | N    | N     | N      | N    | N    | N  | N  | N    | SPTC | N     | N     | N    | N    | N       | N    | N   |

**Part III – Fees and Fines  
Chapter 300 – Fees**

**Section 300-4. Town Council special permits.**

| Title                                      | Fee Amount |
|--|------------|
| Professional Retail                        |            |
| Sporting goods sales/rental, with firearms | \$250      |

**Salem Code of Ordinances**

Current through Ordinance of July 9, 2020. (Supplement Number 23, Update 3)

**Chapter 14 – Business Licenses and Fees  
Article II – Licenses  
Division 1 – Generally**

**Section 14-38. Fee schedule.**

The following fees for licenses are established. No fees shall be refundable, or prorated, if a change of ownership occurs during the license year. All fees charged shall be in full for such license, and fees shall not be prorated based upon the date of application during the year.

Firearms, sale of 10.00

**Chapter 34 – Secondhand Goods  
Article VI – Pawnbrokers  
Division 2 – License**

**Section 34-263. Firearms.**

No pawnbroker shall loan money secured by deposit or pledge of firearms, rifles, shotgun or machine gun. (G.L. c. 140, 131B).

No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns, or machine guns.

**Somerset Bylaws**

Current through May 20, 2002.

**Pawnbrokers Licensing**

**Section 17. Prohibited articles.**

No pawnbroker shall loan money secured by deposit or pledge of firearms, rifles, shotguns, or machine guns, nor shall any pawnbroker hold a license to sell, rent, or lease firearms, rifles, shotguns or machine guns.

**Somerville Zoning Ordinances**

Current through Ordinance Number 2018-03, adopted March 8, 2018. (Supplement Number 5)

**Article 6 – Establishment of Zoning Districts**

**Section 6.8. Union Square Overlay District (USOD).**

**H. Principal Use Categories.**

**8. Retail.** The retail principal use category includes activities involving the sale, lease, or rental of new or used goods to the ultimate consumer. The retail principal use subcategories are:

b. Consumer Goods: ... Consumer Goods uses permitted in Union Square do not permit sales of drug paraphernalia, firearms, or pets.

**South Hadley Code of Ordinances**

Current through March 11, 2020.

**Chapter 255 – Zoning**

**Article VII – Supplemental District Regulations**

**Section 255-28. Noxious industrial uses.**

The following noxious or dangerous uses are permitted in the Industrial B District, subject to approval of a special permit by the Planning Board acting as the special permit granting authority:

Explosives, fireworks or ammunition manufacture

**Southwick Code of Ordinances**

Current through May 21, 2019.

**Chapter 139 – Pawnbrokers and Gold, Silver and Platinum Dealers**

**Section 139-11. Prohibited acts.**

No licensed pawnbroker shall loan money secured by deposit or pledge of firearm, rifle, shotgun or machine gun.

No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns or machine guns.

**Sterling Protective (Zoning) Bylaws**

Current through May 2019.

**Article 2 – Use, Dimensional and Timing Regulations**

**2.3 – Use Regulations**

**Section 2.3.1. Table of Principal Uses.**

| c. Commercial Uses<br>Principal Use                           | Districts |    |    |    |    |
|---|-----------|----|----|----|----|
|   | RR        | NR | C  | TC | LI |
| 19. Sale, lease and manufacture of firearms and/or ammunition | SP        | SP | SP | SP | SP |

**Stoughton Bylaws**

Current through May 8, 2017.

**Chapter 134 – Pawnbrokers**

**Section 134-12. Prohibitions.**

No pawnbroker shall loan money secured by deposit or pledge of firearm, rifle, shotgun, or machine gun.

**Taunton Code of Ordinances**

Current through October 2, 2018.

**Chapter 254 – Firearms and Weapons**

**Article I – Dangerous Weapons on School Property**

**Section 254-1. Prohibition.**

No person shall bring upon any public or private school property situated within the City nor have in his or her possession or under his or her custody and control on any such school property any physical object which can be used as a dangerous weapon. The term "dangerous weapon" shall include, in addition to those objects defined by statute as dangerous weapons, any physical object which has not been authorized by the school's administration to be present on such school property or the possession, custody or control of which is specifically prohibited by the school's established code of discipline.

**Section 254-2. Violations and penalties.**

Violation of this article shall be punished by a fine of not less than \$100 nor more than \$200 for the first offense. Any second and subsequent offense shall be punishable by a fine of \$200.

**Section 254-3. Authority to arrest.**

A police officer shall have the authority to arrest without a warrant any person the officer has probable cause to believe has violated any provision of this article.

**Uxbridge General Bylaws**  
Current through October 22, 2019.

**Chapter 236 – Pawnshops, Secondhand and Precious Metal Dealers**

**Section 236-2. Definitions.**

**B. Secondhand Dealer-** Has the same meaning as the term “secondhand collector”, "junk dealer" junk collector” and "keeper of a shop” for the purchase, sale or barter of junk, old metals or secondhand articles" as referenced in MGL c. 140, § 54. A secondhand dealer shall mean any person, firm, corporation, or partnership engaged in the business of buying, selling, exchanging, or dealing in any way with secondhand articles, used goods, old junk, scrap metals, or unwanted personal property; regardless of the number of transactions (frequency of sales shall not be relevant) or the location where such sales take place (having a dedicated shop or store and the use of residential property shall not be relevant). This definition shall include all persons who conduct business in the sale of unwanted personal property at a flea market, antique shop, coin show, gun show, jewelry show, refinery reclamation drive, and or any jewelry.

**Section 236-4. License required.**

**A.** Pawnshops, secondhand dealers & precious metals dealers shall be licensed by the Board of Selectmen prior to engaging in said activity and shall comply with this Bylaw, which was promulgated in accordance with M.G.L. C. 140, § 54 and other applicable enabling authority.

**Webster Code of Ordinances**  
Current through October 17, 2016.

**Division 2, General Bylaws - Part II: Regulatory Bylaws**

**Chapter 494 Pawnbrokers and Secondhand Dealers**

**Section 494-9. Firearms, rifles, shotguns and machine guns.**

No pawnbroker shall loan money secured by deposit or pledge of firearm, rifle, shotgun or machine gun (MGL c. 140, § 131B). No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns, or machine guns.

**West Springfield Code of Ordinances**  
Current through June 17, 2020.

**Chapter 146 – Firearms and Weapons**

**Section 146-6. License required for sale of inoperable firearms, ammunition and explosive devices.**

No person shall sell or expose for sale within the limits of the Town firearms, ammunition or explosive devices which have been rendered inoperable, until first obtaining a license to do so issued by the Chief of Police or his/her designee.

**Westfield Code of Ordinances**  
Current through Ordinance Number 1707, enacted April 22, 2019. (Supplement Number 15)

**Chapter 10 – Offenses and Miscellaneous Provisions**  
**Article I – In General**

**Section 10.12. Selling firearms, ammunition to minors.**

No person shall sell to any child under the age of 15 years any cartridge or fixed ammunition of which any explosive is a part, or any gun, pistol or other mechanical contrivance or firearm arranged for the explosion of such cartridge or ammunition, except as may be permitted by state law.

**Worcester Code of Ordinances**  
Current through October 27, 2020.

**Part 1 – Regulatory Ordinances**  
**C – Public Safety**  
**Chapter 11 – Licenses**  
**Chief Of Police**

**Section 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.