



For the record, the following is the procedure for a resident to lawfully purchase a handgun through a licensed firearm dealer in Massachusetts.

- 1) A citizen must first take firearm safety course that has been approved by the state police – Chapter 140, Section 131P.
- 2) The citizen must file an application with their local licensing authority together with a course certificate. The application includes the applicants personal information and asks the following questions under penalty of law:
 - a) *Are you a citizen of the United States?*
 - b) *Have you ever used or been known by another name?*
 - c) *What is your age?*
 - d) *Have you ever been convicted of a felony?*
 - e) *Have you ever been convicted of the unlawful use, possession, or sale of a narcotic or harmful drugs as defined in M.G.L. c. 94C sec.1?*
 - f) *Have you ever been convicted of a crime punishable by incarceration by more than 1 year?*
 - g) *In any state or federal jurisdiction have you ever been convicted as an adult or adjudicated a youthful offender or delinquent child for the commission of a felony, a misdemeanor punishable for more than 2 years, a violent crime as defined in MGL C140.s121, a violation of any law regulating the use, possession, ownership, sale, transfer, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed or a violation of any law regulations the use, possession or sale of controlled substances as defined in section 1 of MGL 94C?*
 - h) *Have you ever been confined to any hospital or institution for mental illness?*
 - i) *Are you or have you ever been under treatment for or confinement for drug addiction or habitual drunkenness?*
 - j) *Have you ever appeared in any court as a defendant for any criminal offense (excluding non-criminal traffic offense)?*
 - k) *Are you now or have you ever been the subject of MGL C209A restraining order or involved in a domestic violence charge?*

- l) Has any License to Carry Firearms, Permit to Purchase Firearms or Firearms Identification Card issued under the laws of any state or territory ever been suspended, revoked or denied?*
 - m) Are you currently the subject of any outstanding arrest warrants in any state or federal jurisdiction?*
 - n) Other than Massachusetts, in what state, territory or jurisdiction have you resided?*
 - o) Have you ever held a License to Carry in any other state, territory or jurisdiction?*
- 3) The applicant is required to pay a \$100 application fee. The fee is nonrefundable in the case of a denial or the issuance of a restricted license.
 - 4) During the application process, the applicant will be fingerprinted and photographed.
 - 5) In many cases the applicant will be subject to an interview with the local licensing authority.
 - 6) Many local authorities add provisions to the state's application process. These include supplying letters of reference, doctor's letters, mandatory club memberships, etc.
 - 7) Once an application has been submitted, the local licensing authority will forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police.
 - 8) The colonel shall conduct a background check on the applicant utilizing 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 and the department of mental health.
 - 9) The colonel shall notify the licensing authority of any automatic disqualifications. Those include:
 - a) has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of (a) a felony; (b) a misdemeanor punishable by imprisonment for more than two 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; or (e) a violation of any law regulating the use, possession or sale of controlled substances as defined in section 1 of chapter 94C;*
 - b) has been confined to any hospital or institution for mental illness, unless the applicant submits with his application an affidavit of a registered physician attesting that such physician is familiar with the applicant's mental illness and that in such physician's opinion the applicant is not disabled by such an illness in a manner that should prevent such applicant from possessing a firearm;*

- c) *is or has been under treatment for or confinement for drug addiction or habitual drunkenness, unless such applicant is deemed to be cured of such condition by a licensed physician, and such applicant may make application for such license after the expiration of five years from the date of such confinement or treatment and upon presentment of an affidavit issued by such physician stating that such physician knows the applicant's history of treatment and that in such physician's opinion the applicant is deemed cured;*
- d) *is at the time of the application less than 21 years of age;*
- e) *is an alien;*
- f) *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; or (B) a permanent or temporary protection order issued pursuant to chapter 209A or a similar order issued by another jurisdiction; or*
- g) *is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction.*

- 10) Regardless of the lack of any disqualifiers, the local authority may deny a license if they deem the applicant to be "unsuitable". There is no statutory standard for this term.
- 11) The local licensing authority may also arbitrarily downgrade the license to a Class B that prohibits the possession of large capacity handguns and prohibits concealed carry.
- 12) The local licensing authority may also add arbitrary restrictions that are not defined in statute or regulations such as "Target and Hunting Only".
- 13) If a license is issued it shall be revoked or suspended upon the occurrence of any event that would have disqualified the holder from being issued such license.
- 14) The licensing process can take anywhere from a month to a year. (Statute requires 40 days, but is seldom complied with.)
- 15) If a license is issued, the license holder may then seek out a handgun that meet the restrictions, if any, placed on their license.
- 16) The handgun that is to be purchased must meet the manufacturing requirements of Massachusetts Attorney General Regulations 940 CMR 16.00. The office of the Attorney General does not certify any handgun as meeting the regulations. Manufacturers and licensed dealers must make that determination at their own risk. The Office also does not recognize the "Approved Firearms Roster".
- 17) The handgun that is to be purchased must also meet the manufacturing requirements of MGL Chapter 140, Section 123. The Secretary of Public Safety publishes the "Approved Firearms Roster" for handguns that have passed the manufacturing standards tests. *(These regulations and laws greatly restrict the makes and models of handguns that can legally be sold in Massachusetts. Massachusetts remains the only state in the nation where a lawfully licensed citizen cannot purchase a single shot Olympic target pistol.)*

- 18) The handgun must also meet the requirements of MGL Chapter 140, Section 131M which bans the possession, sale or transfer of certain large capacity magazines not lawfully owned prior to September 13, 1994.
- 19) If the handgun to be purchased is owned by a private citizen or a federally licensed dealer (18 U.S. Code 923) in another state, the handgun must be transferred to a licensed dealer in the state of Massachusetts.
- 20) The Massachusetts dealer must be licensed under federal law (18 U.S. Code 923) and state law (Chapter 140, Section 122).
- 21) Once in possession of the handgun the Massachusetts licensed dealer must record the information about the gun in their permanent Bound Book (Bound Book - 27 CFR 178.125).
- 22) The proposed Massachusetts buyer must then appear in person to the Massachusetts Dealer and present their valid License to Carry a firearm together with other personal identification.
- 23) The buyer must complete a federal form ATF 4473. This form asks for the personal information of the potential buyer. The potential buyer must also answer and sign under penalty of law the following questions:
 - a) *Are you the actual transferee/buyer of the firearm listed on the form?*
 - b) *Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year?*
 - c) *Have you ever been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation?*
 - d) *Are you a fugitive of justice?*
 - e) *Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?*
 - f) *Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?*
 - g) *Have you ever been discharged from the Armed Forces under **dishonorable** conditions?*
 - h) *Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner?*
 - i) *Have you ever been convicted in any court of a misdemeanor crime of domestic violence?*
 - j) *Have you ever renounced your United States citizenship?*
 - k) *Are you a nonimmigrant alien?*

- 24) The dealer must also fill out a state form FA-10 which contains the information of the seller/dealer, the buyer and a description of the firearm. The form must then be signed by the purchaser.
- 25) If more than one handgun is being purchased within a five day period, the dealer is required to **fill out BATFE Form 3310.4** and submit a copy to the BATFE and the state agency in charge of licensing before the close of business on the day of the second sale.
- 26) The dealer must then conduct a background check on the proposed buyer through the National Instant Checks System.
- 27) The National Instant Check System can delay, deny, or approve a sale/transfer. If a sale/transfer is delayed or denied the licensed dealer is not informed as to why.
- 28) If the dealer is equipped with the new Massachusetts Instant Records Checks System (MIRCS), the buyer must submit to a digital scan and recognition of their fingerprint.
- 29) If all the checks have passed, the dealer must instruct the buyer on the safe use and operation of the firearm.
- 30) The dealer must also provide a tamper resistant mechanical locking device that has been approved by the Colonel of the Massachusetts State Police when selling/transferring handguns or large capacity long guns.
- 31) If all of the above steps are met, the transaction may take place.
- 32) Once the license holder leaves with the firearm it must be transported home in accordance with the state laws regarding the transportation of firearms Chapter 140, Section 131C. The firearm must be under the direct control of the license holder or the firearm must be unloaded and contained within the locked trunk or in a locked case or other secure container.
- 33) Once the license holder has the firearm in their home they must store firearm in accordance with Chapter 140, 131L. A firearm that is not under the direct control of the license holder must be stored in a locked container or equipped with a tamper-resistant mechanical lock or other safety device.