

AN ACT RELATIVE TO ASSAULT WEAPONS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. For the purposes of this act the following words shall have the following meanings:-

(1) "Assault weapon", all rifles and shotguns designated as assault weapons in this section and all other semi-automatic rifles and shotguns which are determined by the assault weapon roster board, established under the provisions of section five, to be assault weapons. Such term shall include, in addition to any other rifles and shotguns identified by said board, all versions of the following, including rifles and shotguns sold under the designation provided in this section and rifles and shotguns which are substantially identical thereto sold under any designation:-

- (a) Avtomat Kalishnikov, also known as AK-47 semi-automatic rifles;
- (b) Uzi semi-automatic rifles;
- (c) AR-15 semi-automatic rifles;
- (d) FN-FAL and FN-FNC semi-automatic rifles;
- (e) Steyr Aug semi-automatic rifles;
- (f) SKS semi-automatic rifles;
- (g) shotguns with revolving cylinders known as the Street Sweeper and the Striker 12;
- (h) any other semi-automatic rifle with a fixed magazine capacity exceeding ten rounds;
- (i) any other shotgun with a fixed magazine, cylinder, drum or tube capacity exceeding six rounds; and
- 09 any semi-automatic firearm which is a modification of a rifle or shotgun described in this subsection; that is, having the same make, caliber, and action design but a shorter barrel or no rear stock.

(2) "Assault weapon" shall not include:

- (a) a rifle or shotgun which does not employ fixed ammunition;
- (b) a rifle or shotgun which was manufactured prior to the year eighteen hundred and ninety-eight;
- (c) a rifle or shotgun which operates by manual bolt action;
- (d) a rifle or shotgun which operates by lever action;
- (e) a rifle or shotgun which operates by slide action; (J) a rifle or shotgun which is a single shot weapon;
- (g) a rifle or shotgun which is a multiple barrel weapon;
- (h) a rifle which is a revolving cylinder weapon;
- (i) a rifle which employs a fixed magazine with a capacity of ten rounds or less;
- (j) a shotgun which is a rimfire weapon that employs a tubular magazine with a magazine capacity of six rounds or less;
- (k) a rifle or shotgun which cannot employ a detachable magazine or ammunition belt with a capacity greater than ten rounds;
- (l) a rifle or shotgun which has been modified so as to render it permanently inoperable or so as to make it permanently a device which may not appropriately be designated as an assault weapon; or
- Cm) a rifle or shotgun which is an antique or relic firearm, movie prop or other weapon not capable of firing a projectile and not intended for use as a functional weapon and which cannot be readily converted through a combination of available parts into an operable assault weapon.

(3) "Large capacity ammunition belt", a belt or strip which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic rifle or shotgun or an ammunition belt which can be readily converted into a large capacity ammunition belt.

(4) "Large capacity magazine", a box, drum, or other container which holds more than ten rounds of ammunition to be fed continuously into a semi-automatic rifle or shotgun or a magazine which can be readily converted into a large capacity magazine.

(5) "Rifle", a firearm of which the length of barrel is sixteen inches or more, that is designed or has been redesigned, made or has been remade to fire a fixed cartridge.

(6) "Semi-automatic", capable of firing a shot with each depression of the trigger without additional slide, bolt or other manual action.

(7) "Shotgun", a firearm of which the length of barrel is eighteen inches or more which is designed or has been redesigned, made or has been remade to fire a shotgun shell.

SECTION 2. In the city of Boston, it shall be unlawful to sell, rent, lease, possess, purchase, barter, display, or transfer an assault weapon.

In the city of Boston, it shall be unlawful to sell, rent, lease, possess, purchase, barter, display, or transfer a large capacity magazine or a large capacity ammunition belt.

In the city of Boston, it shall be unlawful to sell, rent, lease, possess, purchase, barter, display, or transfer any part or combination of parts, designed or intended to convert a rifle or shotgun into an assault weapon, or any combination of parts from which an assault weapon may be readily assembled if these parts are in the possession or under the control of the same person.

SECTION 3. The provisions of this act shall not apply to the possession of assault weapons, large capacity magazines, large capacity ammunition belts, or other types of magazines or ammunition belts by officers, agents, or employees of the commonwealth or any other state or of the United States, members of the armed forces of the United States or the organized militia of the commonwealth or any other state, and law enforcement officers, to the extent that any such person is authorized by competent authority to acquire, possess or carry an assault weapon and is acting within the scope of his duties.

The provisions of this act shall not apply to the sale of assault weapons, large capacity magazines, large capacity ammunition belts, or other types of magazines or magazine belts by dealers licensed under section one hundred and twenty-two of chapter one hundred and forty of the General Laws to those persons described in the first paragraph.

The provisions of this act shall not apply to the possession of assault weapons by persons on the property of a lawfully incorporated sporting or shooting club who are licensed to carry firearms under section one hundred and thirty-one of chapter one hundred and forty of the General Laws.

The provisions of this act shall not apply to the possession of assault weapons, large capacity magazines or large capacity ammunition belts by persons taking part in a competition or attending a meeting or exhibition of any organized group of firearms collectors or travelling to or from such competition, meeting or exhibition; provided, however, that any such person has on his person a firearm identification card for the assault weapons issued pursuant to section one hundred and twenty-nine B of chapter one hundred and forty of the General Laws or is a resident of the United States and has on his person a permit or license to carry or possess firearms, including said assault weapons, issued under the laws of any state, district or territory which has requirements which prohibit the issuance of permits or licenses to persons who have been convicted of a felony or who have been convicted of the unlawful use, possession or sale of narcotic or harmful drugs; provided, further, that any such person who is a resident of the city of Boston shall also have on his person a license to possess the assault weapons issued pursuant to this act; and provided, further, that any assault weapon, while in transit or when at a location other than the competition, meeting, exhibition or owner's residence, shall be unloaded and packaged.

The provisions of this act shall not apply to the possession of assault weapons by persons while in transit through the city of Boston for the purpose of going or coming from hunting; provided, however, that any such person has on his person a firearm identification card for the assault weapons issued pursuant to section one hundred and twenty-nine B of chapter one hundred and forty of the General Laws or is a resident of the United States and has on his person a permit or license to carry firearms, including said assault weapons, issued under the laws of any state, district or territory which has requirements which prohibit the issuance of permits or licenses to persons who have been convicted of a felony or who have been convicted of the unlawful use, possession or sale of narcotic or harmful drugs; provided, further, that any such person who is a resident of the city of Boston shall also have on his person a license to possess the assault weapons issued pursuant to this act; provided, further, that any such person has on his person a currently valid hunting or sporting license issued by the commonwealth or by the state of his destination; and provided further, that any assault weapon, while in transit, shall be unloaded and packaged.

The provisions of this act shall not apply to the possession of assault weapons, large capacity magazines, large capacity magazine belts, or other types of magazines or ammunition belts by persons specifically authorized to acquire, have, possess or carry an assault weapon pursuant to federal law.

SECTION 4. Any person who violates the provisions of this act as to an assault weapon shall for a first offense be punished by a fine of one thousand dollars, and for any subsequent offense by imprisonment for not more than two and one-half years.

Any person who violates the provisions of this act as to a magazine or an ammunition belt shall for a first offense be punished by a fine of two hundred dollars and for any subsequent offense by a fine of five hundred dollars.

SECTION 5. There shall be in the city of Boston an assault weapon roster board, hereinafter referred to as the board, which shall consist of seven members each of whom shall serve for a term of four years. The members of the board shall be: the police commissioner of the city of Boston, ex officio, or his designee, who shall serve as chairman of the board; the corporation counsel of the city of Boston, ex officio, or his designee; and five members to be appointed by the mayor, one of whom shall be a member of the Massachusetts chapter of the National Rifle Association; one of whom shall be an employee of a Massachusetts firm which manufactures firearms; and three citizens of the city of Boston, one of whom shall be a member of a recognized gun control organization.

The board shall meet at the request of the chairman or by the request of a majority of its members.

There shall be an assault weapon roster, hereinafter referred to as the roster, which the board shall compile and initially publish in a newspaper of general circulation in the city of Boston by December first, nineteen hundred and eighty-nine.

In determining whether any weapon shall be placed on the roster, the board shall consider each of the following characteristics, without placing any undue weight on any one characteristic:

- (1) Ballistic accuracy,
- (2) Quality of materials,
- (3) Quality of manufacture,
- (4) Reliability as to safety,
- (5) Utility for legitimate sporting activities.

The board shall at least semi-annually publish the roster in a newspaper of general circulation in the city of Boston, and shall send a copy thereof to all dealers licensed in the city of Boston under the provisions of section one hundred and twenty-two of chapter one hundred and forty of the General Laws.

The board may modify the roster upon the board's own initiative. A person may petition the board to place a weapon on the roster, subject to the provisions of this section. A person who so petitions shall give the reasons why the weapon should be placed on the roster.

A petition to place a weapon on the roster shall be submitted in writing to the board and shall be in the form and manner prescribed by the board. Upon receipt of the petition to place a weapon on the roster, the board shall, within forty-five

days of receipt of the petition, either notify the petitioner by certified mail that the petition is denied, or it shall place the weapon on the roster. The prohibition of a weapon shall be effective on the date it is included in the next publication of the roster in a newspaper of general circulation in the city of Boston.

The board shall be authorized to promulgate regulations concerning the appeal of a decision to place or to deny to place a weapon on the roster and any other regulations not inconsistent with this act to effectuate its purpose.

SECTION 6. Within ninety days of the effective date of this act, any person lawfully in possession of an assault weapon and a firearm identification card for that assault weapon issued pursuant to section one hundred and twenty-nine B of chapter one hundred and forty of the General Laws shall apply to the police commissioner of the city of Boston, or his designee, for a license to possess such assault weapon. In determining whether to issue such license, the police commissioner of the city of Boston shall be guided by the criteria stated in section one hundred and thirty-one of chapter one hundred and forty of the General Laws, and the procedures for judicial review of a denial of a license to possess shall be the same as provided for the denial of a license in said section one hundred and thirty-one. A license to possess shall allow the licensee to keep an assault weapon in his residence. Any person denied a license to possess pursuant to this act shall, within ninety days of such denial, dispose of the assault weapon in such a way as to not be in violation of this act. Any person who obtains an assault weapon registered under this act by bequest or intestate succession shall, within ninety days of so obtaining, either apply for a license to possess such assault weapon or dispose of such assault weapon in a manner not in violation of this act.

The same requirements of this section shall apply to an assault weapon included in the roster, with the ninety days to begin on the date the roster is published in a newspaper of general circulation in the city of Boston with such assault weapon included in the roster.

SECTION 7. A police officer shall be authorized to seize any assault weapon which may be evidence of a violation of this act. The assault weapon shall be held as evidence by the police and may be disposed of in accordance with section one hundred and twenty-nine D of chapter one hundred and forty of the General Laws.

The police commissioner of the city of Boston shall be authorized to promulgate regulations not inconsistent with this act to effectuate its purpose.

The police commissioner of the city of Boston is hereby authorized to revoke licenses granted under sections one hundred and twenty-two and one hundred and thirty-one of chapter one hundred and forty of the General Laws for violation of this act.

The police commissioner of the city of Boston is hereby authorized to issue an emergency order at any time to immediately and temporarily place a weapon on the roster and is further authorized to publish the roster in a newspaper of general circulation in the city of Boston without the approval of the board; provided,

however, that he shall call a meeting of the board within thirty days of the issuance of the order so that the board may review the order and either permanently place the weapon on the roster or remove it therefrom.

SECTION 8. This act shall take effect upon its passage.

Approved December 9, 1989.