



Understanding “Assault Weapons” and “Large Capacity Weapons”

A guideline for Massachusetts

Caution: this information is intended as a guide only and should not be construed as legal advice.

Massachusetts law considers “assault weapons” to be part of a larger class of guns known as “large capacity weapons”. There are restrictions on possession, purchase and transportation of these guns and the penalties for using them in a crime are generally more severe. There is also a ban on “large capacity magazines” made after September 13, 1994.

The definition of “assault weapon” is the same as the federal law that went into effect on September 13, 1994. Specific guns are banned by name, and guns with certain combinations of features are banned:

A semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of--

- (i) a folding or telescoping stock;
- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon ;
- (iii) a bayonet mount;
- (iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and
- (v) a grenade launcher;

A semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of--

- (i) an ammunition magazine that attaches to the pistol outside of the pistol grip;
- (ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

- (iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;
- (iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and
- (v) a semiautomatic version of an automatic firearm; and

A semiautomatic shotgun that has at least 2 of--"

- (i) a folding or telescoping stock;
- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
- (iii) a fixed magazine capacity in excess of 5 rounds; and
- (iv) an ability to accept a detachable magazine."

A "large capacity feeding device" is defined the same as in federal law, or:

"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 five shotgun shells; ... 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."

A "large capacity weapon" is basically any firearm, rifle or shotgun that is semi-automatic with a fixed large capacity feeding device or that is capable of accepting any detachable large capacity feeding device; or an "assault weapon."

Ban on recently-manufactured "assault weapons" and "large capacity magazines." State law clearly limits possession to pre-1994 items and exempts out only law enforcement and retired law enforcement:

"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 section 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 one year nor more than ten 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 five 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 for purposes of law enforcement; 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."

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

References: Mass General Law C.140 §§121, 131C, 131M and 18 U.S.C. section 921(a)(30)