

An Act Relative to Restoring Civil Rights

“Whereas, the deferred operation of this act would tend to defeat its purpose, which is to repeal certain aspects of the Massachusetts gun laws that have been found to be civil rights violations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

SECTION 1. Section 26 of Chapter 90B of the Massachusetts General Laws is hereby amended by striking subsection (g) in its entirety.

SECTION 2. Section 67 of Chapter 131 of the Massachusetts General Laws is hereby repealed.

SECTION 3. Section 70 of Chapter 131 of the Massachusetts General Laws is hereby deleted in its entirety and replaced with the following:

Section 70. A person shall not, during the open season when deer may be hunted lawfully with a shotgun, hunt a bird or mammal with a rifle, revolver or pistol or by the aid of a dog. Nothing in this section shall be deemed to prohibit the use of dogs to hunt waterfowl in coastal waters and salt marshes during the open season on migratory waterfowl.

Notwithstanding the provisions of this section, the director may authorize the use of primitive firearms or shotguns with a rifled bore for hunting during any period when deer may be hunted by means of a firearm under rules and regulations promulgated in accordance with section five.

SECTION 4. Section 121 of Chapter 140 of the MGL shall be amended by deleting the definition of “Licensing Authority” in its entirety and replacing it with the following:

"Licensing Agent", the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them will act as a local agent for the commonwealth's firearm licensing system. The Commonwealth shall be responsible for the system as a whole and for the unconstitutional or unlawful actions of its agents.

SECTION 5. Section 121 of Chapter 140 of the Massachusetts General Laws shall be amended by inserting the following definition:

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).

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 rights shall be deemed restored in the commonwealth.

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

(v) 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;

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

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

(viii) is a fugitive from justice; or

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

SECTION 6. Section 129B of Chapter 140 of the Massachusetts is hereby deleted in its entirety and replaced with the following:

Section 129B. A firearm identification card shall be issued and possessed subject to the following:

(1) Any person who 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, provided however that the applicant shall not be issued the card until the applicant reaches the age of 15, residing or having a place of business within the jurisdiction of the licensing agent or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing agent an application for a firearm identification card, or renewal of the same, which the licensing agent shall issue if the applicant is not a prohibited person under section 121 of this chapter.

(2) Within seven days of the receipt of a completed application for a card, the licensing agent 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 agent, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether the applicant is a prohibited person; provided, however, that the taking of fingerprints shall not be required in issuing the renewal of a card. 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 applicant is not a prohibited person under state or federal law, he shall certify such fact, in writing, to the licensing agent within such 30-day period.

The licensing agent 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 through the Massachusetts Gun Transaction Portal or 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 agent, the name of the licensing agent and its agent that received the application, the licensing agent'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 agent for not less than 1 year and a copy shall be furnished to the applicant if requested by the applicant.

(3) The licensing agent shall not prescribe any other condition for the issuance of a firearm identification card and shall, and within 40 days from the date of application, either approve the application and issue the card or deny the application and notify the applicant of the specific reason, including a copy of the official record for which they are a prohibited person in writing. If, upon expiration of 40-days, the license has not been issued, it shall issue automatically upon the applicant's request.

(4) A firearm identification card shall be revoked or suspended by the licensing agent 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 specific reasons therefor including a copy of the official record for which they are a prohibited person. Upon revocation or suspension, the licensing agent 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 shall be reinstated 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 one year after receipt of notice of such denial, revocation or suspension or within one year after the expiration of the time limit in which the licensing agent 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, shall 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.

In addition, each applicant should receive, at the time they are given their receipt, a copy of the Firearms License Applicant's Bill of Rights which should include, but should not be limited to, the following language:

You have the right to apply for a License to Carry or Firearms Identification Card in the town in which you live, or own a primary business. Chapter 140 Section 129B, 131

The Licensing Agent must provide a receipt at the time the application is made. Or, in the case of an application made by mail, the applicant shall receive a receipt within 7 days. Chapter 140 section 129, 131(e)

The Licensing Agent has 40 days from the date of application to issue the license, or provide a letter explaining why you were denied. Chapter 140 Section 129, 131(e)

Following the expiration of said 40-days, if the license has not been issued, it shall issue automatically upon your request.

You have the right to appeal a license denial within 90 days at your local district court. Chapter 140 section 129(5), 131(f)

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

(11) 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 agent 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.

(12) Upon issuance of a firearm identification card under this section, the licensing agent 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 agent forthwith of the existence of any disqualifying condition discovered or occurring subsequent to the issuance of a firearm identification card under this section.

(13) 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.

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

(15) Whoever knowingly issues a license or delays an application 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. Any applicant aggrieved by a delayed application may seek action in district court. Any court fees involved will be the sole responsibility of the offending licensing agent.

SECTION 7. Section 131. The issuance and possession of a license to carry firearms shall be subject to the following conditions:

(1) Any person who is at the time of the application is of the age of 21 or older residing or having a place of business within the jurisdiction of the licensing agent or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing agent an application for a license to carry firearms, or renewal of the same, which the licensing agent shall issue if the applicant is not a prohibited person under section 121 of this chapter.

(2) Within seven days of the receipt of a completed application for a license, the licensing agent 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 agent, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether the applicant is a prohibited person; provided, however, that the taking of fingerprints shall not be required in issuing the

renewal of a card. 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 applicant is not a prohibited person under state or federal law, he shall certify such fact, in writing, to the licensing agent within such 30 day period.

The licensing agent 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 through the Massachusetts Gun Transaction Portal or by mail or immediately if the application was made in person; provided, however, that the receipt shall include the applicants' name, address, current license to carry number, if any, the current card's expiration date, if any, the date when the application was received by the licensing agent, the name of the licensing agent and its agent that received the application, the licensing agent's address and telephone number, the type of application and whether it is an application for a new license or for renewal of an existing license; and provided further, that a copy of the receipt shall be kept by the licensing agent for not less than 1 year and a copy shall be furnished to the applicant if requested by the applicant.

(3) The licensing agent shall not prescribe any other condition for the issuance of a license to carry and shall, and 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 specific reason, including a copy of the official record for which they are a prohibited person in writing. If, upon expiration of 40-days, the license has not been issued, it shall issue automatically upon the applicant's request.

(4) A license to carry shall be revoked or suspended by the licensing agent 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 or for a violation of a restriction provided under this section. Any revocation or suspension of a license shall be in writing and shall state the reasons therefor including a copy of the official record for which they are a prohibited person. Upon revocation or suspension, the licensing agent shall take possession of such license and receipt for fee paid for such license, and the person whose license 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 license shall be reinstated upon the termination of all disqualifying conditions.

(5) Any applicant or holder aggrieved by a denial, revocation or suspension of a license to carry firearms, unless a hearing has previously been held pursuant to chapter 209A, may, within either one year after receipt of notice of such denial, revocation or suspension or within one year after the expiration of the time limit in which the licensing agent 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 license. A justice of such court, after a hearing, shall direct that a license be issued or reinstated to the petitioner if the justice finds that such petitioner is not prohibited by law from possessing such license.

In addition, each applicant should receive, at the time they are given their receipt, a copy of the Firearms License Applicant's Bill of Rights which should include, but should not be limited to, the following language:

You have the right to apply for a License to Carry or Firearms Identification Card in the town in which you live, or own a primary business. Chapter 140 Section 129B, 131

The Licensing Agent must provide a receipt at the time the application is made. Or, in the case of an application made by mail, the applicant shall receive a receipt within 7 days. Chapter 140 section 129, 131(e)

The Licensing Agent has 40 days from the date of application to issue the license, or provide a letter explaining why you were denied. Chapter 140 Section 129, 131(e)

Following the expiration of said 40-days, if the license has not been issued, it shall issue automatically upon your request.

You have the right to appeal a license denial within 90 days at your local district court. Chapter 140 section 129(5), 131(f)

(6) 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 (ii) rifles and shotguns, including large capacity weapons, and feeding devices and ammunition therefor, for all lawful purposes.

(7) A license to carry firearms 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, 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.

(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 license to carry firearms 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 license holder applied for renewal before the license expired, the license shall remain valid after the expiration date on the license for all lawful purposes, until the application for renewal is approved or denied; provided, however, if the license holder 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 license holder is released from active duty and for a period of not less than 180 days following such release, except that if the license holder applied for renewal prior to the end of such period, the license shall remain valid after the expiration date on the license for all lawful purposes, until the application for renewal is approved or denied. A license 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 license, a notice of the expiration of the license not less than 90 days before its expiration and shall enclose with the notice a form for the renewal of the license. 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 license is not renewed. The commissioner of criminal justice information services shall provide electronic notice of expiration only upon the request of a license holder. 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.

(10) The fee for an application for a license to carry firearms shall be \$100, which shall be payable to the licensing agent and shall not be prorated or refunded in the case of revocation or denial. The licensing agent shall retain \$25 of the fee; \$50 of the fee shall be deposited in the General Fund and not less than \$50,000 of the funds deposited into the General Fund shall be allocated to the Firearm Licensing Review Board; 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 license to carry firearms 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.

(11) Any person over the age of 70 shall be exempt from the requirement of paying a fee for a license to carry firearms.

(12) Notwithstanding the provisions of section 10 of chapter 269, any person in possession of a non-large capacity rifle or shotgun whose license to carry firearms 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 license to carry firearms 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 to carry firearms 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 to carry firearms has been denied. Any law enforcement officer who discovers a person to be in possession of a rifle or shotgun after such person's license to carry firearms has expired, meaning after 90 days beyond the stated expiration date on the license, 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 license then in possession, and such officer shall forward such license to the licensing agent 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 license 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 license to carry firearms, 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.

(12) Upon issuance of a license to carry firearms under this section, the licensing agent 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 agent forthwith of the existence of any disqualifying condition discovered or occurring subsequent to the issuance of a license to carry firearms under this section.

(13) 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.

(14) 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.

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

(17) 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.

(18) Whoever knowingly issues a license or delays an application 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. Any applicant aggrieved by a delayed application may seek action in district court. Any court fees involved will be the sole responsibility of the offending licensing agent.

(19) 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, 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.

(20) No person shall be issued a license to carry or possess a machine gun in the commonwealth, except that a licensing agent 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.

(21) 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.

SECTION 8. Section 131F. A non-resident license to carry firearms shall be issued by the colonel of state police, or persons authorized by him, to a nonresident or any person not falling within the jurisdiction of a local licensing agent or to an alien that resides outside the commonwealth who is of the age of 21 years or older and is not a prohibited person. The licensing agent shall not prescribe any other condition for the issuance of a non-resident license to carry firearms.

Such license shall be valid for a period of six (6) years.

A license shall entitle a holder thereof of a license to rent, lease, borrow, possess and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes (ii) rifles and shotguns, including large capacity weapons, and feeding devices and ammunition therefor, for all lawful purposes.

A license issued pursuant to this section shall be clearly marked " Non-Resident License to Carry Firearms" and shall not be used to purchase firearms in the commonwealth as provided in section 131E.

A large capacity firearm and a large capacity feeding device therefor may be carried if the person has been issued a license. The fee for an application for the license or a renewal shall be \$100, which shall be payable to the licensing agent and shall not be prorated or refunded in case of revocation or denial. The licensing agent shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund.

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

SECTION 9. Section 131P of Chapter 140 of the Massachusetts General Laws is hereby repealed.