The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act modernizing firearm laws.

PETITION OF:

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<th>DISTRICT/ADDRESS:</th>
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<td>Michael S. Day</td>
<td>31st Middlesex</td>
<td>6/26/2023</td>
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An Act modernizing firearm laws.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out subclause (j) of the twenty-sixth clause and inserting in place thereof the following subclause: -

(j) the names and addresses of any persons contained in, or referred to in, any applications for any licenses to carry or possess firearms issued pursuant to chapter 140 or any long gun permits issued pursuant to said chapter 140 and the names and addresses on sales or transfers of any firearms, feeding devices or ammunition therefor, as defined in said chapter 140 and the names and addresses on said licenses or permits;

SECTION 2. Section 167A of chapter 6 of the General Laws, as so appearing, is hereby amended by inserting, in line 63, after the figure “167” the following words: - , and shall compile and publish data pursuant to section 122B of chapter 140.
SECTION 3. The title of section 172M of said chapter figure “122” and inserting in place thereof the following figure: - 125.

SECTION 4. The title of said section 172M of said chapter 6, as so appearing, is hereby further amended by striking out the words “and unmonitored contact with firearms, shotguns or rifles” and inserting in place thereof the following words: - contact with firearms.

SECTION 5. Section 172M of said chapter 6 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the figure “122” and inserting in place thereof the following figure: - 125.

SECTION 6. Said section 172M of said chapter 6, as so appearing, is hereby further amended by striking out, in lines 6 to 7, the words: - “and unmonitored contact with firearms, shotguns or rifles” and inserting in place thereof the following words: - contact with firearms.

SECTION 7. Section 5J of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 to 11, the words “dealers licensed pursuant to section 122 of chapter 140 and ammunitions dealers licensed pursuant to section 122B of said” and inserting in place thereof the following words: - dealers licensed pursuant to section 125 of.

SECTION 8. Section 2LLL of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words “sections 122, 122B, 129B, 131, 131A, 131F, and 131H” and inserting in place thereof the following words: - section 123B.

SECTION 9. Section 22F of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out, in line 17, the number “131N” and inserting in place thereof the number: - 130D.
SECTION 10. Section 10B of chapter 66 of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 to 8, the words “rifles, shotguns, machine guns” and inserting in place thereof the following words: - feeding devices.

SECTION 11. Said section 10B of said chapter 66, as so appearing, is hereby further amended by inserting, in line 14, after the word “request” the following words: - ; provided, however, that nothing in this section shall prohibit the transmission of data and other information to the department of criminal justice information services and its use therefor pursuant to section 122B of chapter 140.

SECTION 12. The title of section 26 of chapter 90B of the General Laws, as so appearing, is hereby amended by striking out the words “by underage persons; restrictions” and inserting in place thereof the following words: - of recreational vehicles; firearms.

SECTION 13. Section 26 of said chapter 90B of the General Laws, as so appearing, is hereby amended by striking out, in line 66, the words: - “, rifle or shotgun”.

SECTION 14. Said section 26 of said chapter 90B, as so appearing, is hereby further amended by striking out, in lines 68 to 69, the words “such firearm, rifle or shotgun is unloaded and in an enclosed case” and inserting in place thereof the following words: - such person possesses a valid license or permit issued under sections 124 to 125B, inclusive, of chapter 140 and carries such firearm in compliance with section 126B of said chapter 140. Any violation of this subsection shall be penalized in accordance with said section 126B.

SECTION 15. Section 244 of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 48, the words “131R to 131Y” and inserting in place thereof the following words: - 131 to 131G.
SECTION 16. Section 35 of chapter 123 of the General Laws, as so appearing, is hereby amended by striking out, in lines 114 to 115, the words “firearm identification card pursuant to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F” and inserting in place thereof the following words: - firearms license or permit pursuant to sections 124 to 125B, inclusive.,

SECTION 17. Said section 35 of said chapter 123, as so appearing, is hereby further amended by striking out, in line 122, the words “, rifle or shotgun”.

SECTION 18. The title of section 36C of said chapter 123 of the General Laws, as so appearing, is hereby amended by striking out the words “firearm identification card or license to carry” and inserting in place thereof the following words: - a firearms license or permit.

SECTION 19. Section 36C of said chapter 123 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 to 9, the words “firearm identification card pursuant to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F” and inserting in place thereof the following words: - firearms license or permit pursuant to sections 124 to 125B, inclusive.,

SECTION 20. Section 11 of chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in lines 35 to 36, the words “one hundred and thirty-one H of chapter one hundred and forty” and inserting in place thereof the following words: - 124B of chapter 140.

SECTION 21. Chapter 131 of the General Laws, as so appearing, is hereby amended by striking out section 62 and inserting in place thereof the following section: -
Section 62. Weapons; intoxicating liquor or drugs

A person, with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or while under the influence of intoxicating liquor or marijuana, narcotic drugs, depressants or stimulant substances, all as defined in section 1 of chapter 94C, or from smelling or inhaling the fumes of any substance having the property of releasing toxic vapors as defined in section 18 of chapter 270, who engages in hunting or in carrying a firearm, bow and arrow or other weapon while engaged in hunting or target shooting shall be punished by a fine of not more than $5,000 or by imprisonment in the house of correction for not more than two and one-half years, or by both such fine and imprisonment.

SECTION 22. Section 90 of said chapter 131 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the figure “, 62”.

SECTION 23. The title of section 121 of chapter 140 of the General Laws, as so appearing, is hereby amended by striking out the words “sales; definitions; antique firearms; application of law” and inserting in place thereof the following words: - licensing; definitions.

SECTION 24. Section 121 of said chapter 140 of the General Laws, as so appearing, is hereby further amended by striking out, in line 1, the figure “131Y” and inserting in place thereof the following figure: - 131G.

SECTION 25. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “ammunition” and inserting in place thereof the following definitions: -
"Additive manufacturing", a process in which material is added to produce a product, including, but not limited to 3-dimensional printing.

"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.

"Antique firearm", any firearm manufactured in or before 1899 and any replica of any such firearm 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 that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade. This includes any muzzle loading rifle, shotgun or pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition, except any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle loading weapon, or any muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

SECTION 26. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “assault weapon” and inserting in place thereof the following definitions: -

"Assault-style firearm", any firearm which is:

(a) A semiautomatic rifle with the capacity to accept a detachable feeding device and includes any of the following features: (i) a folding, telescopic, thumbhole or detachable stock or a stock that is otherwise foldable or adjustable in a manner that operates to reduce the length,
size and other dimension, or otherwise enhances the concealability of the weapon; (ii) a pistol
grip, forward grip or second handgrip or protruding grip that can be held by the non-trigger hand;
(iii) a threaded barrel or (iv) a barrel shroud.

(b) A semiautomatic pistol with the capacity to accept a detachable feeding device and
includes any of the following features: (i) the capacity to accept a feeding device that attaches to
the pistol outside of the pistol grip; (ii) a second handgrip or a protruding grip that can be held by
the non-trigger hand; (iii) a threaded barrel; (iv) a barrel shroud; (v) a manufactured weight of 50
ounces or more when unloaded; or (vi) a buffer tube, stabilizing brace or similar component that
protrudes horizontally behind the pistol grip, and is designed or redesigned to allow or facilitate a
firearm to be fired from the shoulder.

(c) A semiautomatic shotgun with the capacity to accept a detachable feeding device and
includes any of the following features: (i) a folding, telescopic or detachable stock; (ii) a pistol
grip or bird’s head grip; or (iii) a forward grip.

(d) The semiautomatic version of any fully automatic firearm.

(e) Any firearm listed on the assault-style firearm roster created pursuant to section 128A.

(f) All of the following rifles:

(i) All AK types, including the following: AK, AK47, AK47S, AK-74, AKM, AKS,
ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA85, SA93, Vector
Arms AK-47, VEPR, WASR-10 and WUM, IZHMASH Saiga AK, MAADI AK47 and ARM,
Norinco 56S, 56S2, 84S and 86S, Poly Technologies AK47 and AKS and SKS with a detachable
feeding device;

(iii) Barrett M107A1 and M82A1;

(iv) Beretta CX4 Storm;

(v) Calico Liberty Series;

(vi) CETME Sporter;

(vii) Daewoo K-1, K-2, Max 1, Max 2, AR 100 and AR 110C;

(viii) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter, PS90, SCAR and FS2000;

(ix) Feather Industries AT-9;
(x) Galil Model AR and Model ARM;

(xi) Hi-Point Carbine;

(xii) HK-91, HK-93, HK-94, HK-PSG-1 and HK USC;

(xiii) IWI TAVOR, Galil ACE rifle;

(xiv) Kel-Tec Sub 2000, SU-16 and RFB;

(xv) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig Sauer SG 551 and SIG MCX;

(xvi) Springfield Armory SAR-48;

(xvii) Steyr AUG;

(xviii) Storm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF;

(xix) All Thompson rifles, including the following: M1SB, T1100D, T150D, T1B, T1B100D, T1B50D, T1BSB, T1-C, T1D, T1SB, T5, T5100D, TM1, TM1C;

(xx) UMAREX UZI rifle;

(xxi) UZI Mini Carbine, UZI Model A Carbine and UZI Model B Carbine;

(xxii) Valmet M62S, M71S and M78;

(xxiii) Vector Arms UZI Type;

(xxiv) Weaver Arms Nighthawk; and

(xxv) Wilkinson Arms Linda Carbine.

(g) All of the following pistols:
(i) All AK types, including the following: Centurion 39 AK pistol, CZ Scorpion pistol, Draco AK-47 pistol, HCR AK-47 pistol, IO Inc. Hellpup AK-47 pistol, Krinkov pistol, Mini Draco AK-47 pistol, PAP M92 pistol and Yugo Krebs Krink pistol;


(iii) Calico pistols; DSA SA58 PKP FAL pistol; Encom MP-9 and MP-45;

(iv) Heckler & Koch model SP-89 pistol;

(v) Intratec AB-10, TEC-22 Scorpion, TEC-9 and TEC-DC9;

(vi) IWI Galil Ace pistol, UZI PRO pistol

(vii) Kel-Tec PLR 16 pistol;

(viii) All MAC types, including the following: MAC-10, MAC-11, Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol and MPA Mini Tactical Pistol, Military Armament Corp. Ingram M-11 and Velocity Arms VMAC;

(ix) Sig Sauer P556 pistol;

(x) Sites Spectre;

(xi) All Thompson types, including the following: TA510D and TA5;
(xii) All UZI types, including Micro-UZI.

(h) All of the following shotguns:

(i) DERYA Anakon MC-1980, Anakon SD12;

(ii) Doruk Lethal shotguns;

(iii) Franchi LAW-12 and SPAS 12;

(iv) All IZHMASH Saiga 12 types, including the following: Saiga 12, Saiga 12S, Saiga 12S EXP-01, Saiga 12K, Saiga 12K-030, Saiga 12K-040 Taktika;

(v) Streetsweeper; and

(vi) Striker 12.

(i) Any shotgun with a revolving cylinder.

(j) All belt-fed semiautomatic firearms, including TNW M2HB and FN M2495.

(k) a copy or duplicate of any firearm listed or meeting the standards of sections (a) to (f), inclusive, that was manufactured or subsequently configured with an ability to accept a detachable magazine, and: (i) its internal functional components are substantially similar in construction and configuration to those of an enumerated weapon; or (ii) it has a receiver that is the same as or interchangeable with the receiver of an enumerated weapon.

(l) The term shall not include: (i) any of the firearms, or replicas or duplicates of such weapons lawfully possessed on September 13, 1994; (ii) any weapon that is operated by manual bolt, pump, lever or slide action.
"Automatic conversion", any modification made to a firearm or any part capable of being attached to a firearm that allows for the automatic discharge of a number of shots or bullets with one continuous activation of the trigger.

“Automatic part”, any part capable of being attached to a firearm that allows for the automatic discharge of a number of shots or bullets with one continuous activation of the trigger.

“Barrel”, the tube through which a projectile or shot charge is fired.

“Bona Fide Collectors of Firearms”, an individual who acquires firearms for such lawful purposes as historical significance, display, research, lecturing, demonstration, test firing, investment or like purpose. The acquisition of firearms for sporting use or for use as an offensive or defensive weapon shall not qualify an applicant as a bona fide collector of firearms. An individual licensed pursuant to 18 U.S.C. C. 44 s. 923(b) shall be deemed a bona fide collector of firearms for purposes of this chapter.

SECTION 27. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting, after the definition of “bump stock”, the following definition: -

"Common long gun”, a rifle or shotgun that is not large capacity and cannot produce semiautomatic or automatic fire.

SECTION 28. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out, in line 43, the words “131R to 131Y” and inserting in place thereof the words: - 131 to 131G.

SECTION 29. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting, after the definition of “court”, the following definitions: -
"Covert firearm", a firearm that is not a stun gun, capable of discharging a bullet or shot, that is constructed in a shape that does not resemble a firearm or is not immediately recognized as a firearm, including, but not limited to zip guns, concealed bolt guns, folding guns and any other weapon that resemble key-chains, pens, canes, wallets, flashlights, cigarette-lighters or cigarette-packages, flare guns, pellet guns and bb gun conversion kits and camouflaging firearm containers.

“Curio or relic firearms”, firearms which are of special interest to collectors because they possess some qualities not ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons.

SECTION 30. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “deceptive weapon device” and inserting in place thereof the following definitions: -

"Deceptive firearm device", any device that is intended to convey the presence of a 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.

"Downloadable gun code”, digital instruction in the form of computer-aided design files or other code or instructions stored or displayed in electronic format as a digital model that may be used to manufacture or produce a firearm, firearm receiver, feeding device or firearm component using additive manufacturing.
SECTION 31. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “firearm” and inserting in place thereof the following definitions: -

“Feeding device”, any magazine, belt, strip, drum or similar device that holds ammunition for a firearm, whether fixed or detachable from a firearm.

"Fire control component”, part(s) designed to hold back the hammer, striker, bolt or similar primary energized part prior to initiation of the firing sequence in a firearm.

"Firearm", a weapon, including but not limited to a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver or the barrel of any such weapon; provided, however, that the term firearm shall not include any antique firearm or permanently inoperable firearm.

“Firearm part”, any element or replacement element specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block.

"Fixed magazine”, an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

"Frame or receiver”, part of a firearm that provides the housing or structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect those components to the housing or structure.
SECTION 32. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “large capacity feeding device” and inserting in place thereof the following definition: -

"Large capacity feeding device", (i) a fixed or detachable magazine, belt, drum, feed strip or similar device that has a capacity of, or that can be readily converted to accept, more than 10 rounds of ammunition or more than 5 shotgun shells; or (ii) any part or combination of parts from which a device can be assembled if those parts are in the possession or control of the same person. The term shall not include: (i) any device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition or more than 5 shotgun shells; (ii) an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition or (iii) a tubular magazine that is contained in a lever-action firearm.

SECTION 33. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “large capacity weapon” and inserting in place thereof the following definition: -

"Large capacity firearm", any firearm that: (i) is semiautomatic with a fixed large capacity feeding device; (ii) is semiautomatic and capable of accepting, or readily modifiable to accept, any detachable large capacity feeding device when both are in the same person’s possession or under their control in a vehicle; (iii) employs a rotating cylinder capable of accepting more than 10 rounds of ammunition or more than 5 shotgun shells; or (iv) that is an assault-style firearm. The term "large capacity firearm" shall be a secondary designation and shall apply to a weapon in addition to its primary designation as a firearm, and shall not include: (i) any firearm that operates by manual bolt, pump, lever or slide action; (ii) any firearm that is a
single-shot weapon; (iii) any firearm that has been modified so as to render it permanently
inoperable or otherwise rendered permanently unable to be designated a large capacity firearm;
or (iv) any firearm 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
firearm.

SECTION 34. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting, in line 119, after the word “them” the following words: - ; provided, however, that should not such chief or officer exist the colonel of the state police shall act as licensing authority.

SECTION 35. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out, in line 122, the words “rapidly or”.

SECTION 36. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 123 to 124, the words “; provided, however, that "machine gun" shall include bump stocks and trigger cranks”.

SECTION 37. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting, after the definition of “machine gun”, the following definitions: - "Manufacture or assemble”, to (i) fabricate, make, form, produce, or construct, by manual labor or by machinery, a firearm; or (ii) fit together a firearm’s component parts. Does not include making or fitting special barrels, stocks, or trigger mechanisms to firearms.
“Nonresident”, a person who is temporarily in Massachusetts but legally resides in another state or territory of the United States.

“Permanently embedded”, applied in such a way that cannot be easily or readily removed without destroying the part to which it is applied.

SECTION 38. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “petition” and inserting in place thereof the following definition: -

“Petition”, as used in sections 131 to 131G, inclusive, a request filed with the court by a petitioner for the issuance or renewal of an extreme risk protection order.

SECTION 39. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “petitioner” and inserting in place thereof the following definitions: -

"Petitioner", as used in sections 131 to 131G, inclusive: (i) a family or household member; (ii) a law enforcement agency or officer, as defined in section 1 of chapter 6E; (iii) a licensed physician, registered nurse, licensed practical nurse, certified nurse practitioner, certified clinical nurse specialist, certified psychiatric clinical nurse specialist, licensed psychiatrist, licensed psychologist, licensed mental health counselor, licensed marriage and family therapist, licensed independent clinical social worker, or licensed certified social worker who has provided health care services to the respondent within the preceding 6 months; (iv) an administrator of a elementary school, secondary school, college, university or other educational institution where the respondent is enrolled; or (v) an employer of the respondent.
“Privately made firearm”, a firearm manufactured or assembled by an individual who is not a licensed manufacturer.

SECTION 40. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “respondent” and inserting in place thereof the following definition: -

"Respondent", as used in sections 131 to 131G, inclusive, the person identified as the respondent in a petition against whom an extreme risk protection order is sought.

SECTION 41. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out, in line 136, the word “weapon” and inserting in place thereof the following word: - firearm.

SECTION 42. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 139, 140 and 147, each time it appears, the word “weapon” and inserting in place thereof, in each instance, the following word: - firearm.

SECTION 43. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting, after the definition of “sawed-off shotgun”, the following definitions: -

"Secured in a locked container”, at a minimum the container must be capable of being unlocked only by means of a key, combination or similar means and it must be able to deter all but the most persistent from gaining access. A room or a store even if capable of being locked and surveilled is insufficient.

“Self-defense spray”, chemical mace, pepper spray or any device or instrument which contains, propels or emits a liquid, gas, powder or other substance designed to incapacitate.
SECTION 44. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting, after the definition of “semiautomatic”, the following definitions: -

“Serial number”, a unique identifying number provided by a government entity.

“Serialization”, the process of conspicuously engraving, casting or otherwise permanently stamping a unique serial number on a firearm frame or receiver or firearm barrel.

The serial number must be placed in a manner not susceptible of being readily obliterated, altered or removed and must be engraved, cast or stamped to a minimum depth of .003 inch and in a print size no smaller than 1/16 inch. Serialization of firearms, frames and receivers made from non-metallic materials must be accomplished by using a metal plate permanently embedded in the material of the frame or receiver.

SECTION 45. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “trigger crank” and inserting in place thereof the following definitions: -

“Trigger modifier”, any modification that repeatedly activates the trigger of a firearm including but not limited to trigger cranks, binary triggers and hellfire triggers.

“Undetectable firearm”, a firearm that, after the removal of grips, stocks, and magazines, is not detectable by walk-through metal detectors calibrated and operated to detect the security exemplar defined in 18 U.S.C. Section 922(p)(2)(C), or a major component of a firearm that, when inspected by detection devices commonly used at secure public buildings and transit stations, does not generate an image that accurately depicts the shape of the component.
“Untraceable firearm”, a firearm that has not been serialized by a government entity or a firearm on which a serial or other identification number has been removed, defaced, altered, obliterated or mutilated in any manner.

SECTION 46. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 175 to 192, the following words: -

"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.

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 47. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 121A and inserting in place thereof the following sections: -
Section 121A. Local licensing authorities; procedures; false information; punishment

(a) A licensing authority shall, within 40 days from the date of receipt of a completed application for any license or permit issued under sections 124 to 125B, inclusive, or renewal of the same, either approve the application and issue the license or permit or deny the application and notify the applicant of the reason for such denial in writing; provided, however, that no license or permit shall be issued unless the colonel of the state police has certified that the information available indicates that issuing the license or permit is not in violation of state or federal law.

(b) Upon receiving the application, the licensing authority shall provide the applicant with a receipt that includes: (i) the applicant’s name and address, current license or permit number and expiration date, if any; (ii) the date the licensing authority received the application; the name, address and telephone number of the licensing authority or its agent that received the application; the type of application; and (iii) whether the application is for a new license or permit or renewal of the same.

(c) Within 7 days of receipt of the completed application the licensing authority shall forward one copy of the application and one copy of the applicant’s fingerprints to the colonel of the state police; provided, however, that the taking of fingerprints shall not be required in issuing a renewal if the applicant’s fingerprints are on file with the department of the state police.

(d) The colonel of the state police 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 from possessing the license or permit requested. If the information available to the colonel does not
indicate that issuing the license would be in violation of state or federal law, the colonel shall
certify such fact to the licensing authority within said 30-day period. In searching for any
disqualifying history of the applicant, the colonel shall: (i) 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; and (ii) inquire of the commissioner of
the department of mental health relative to whether the applicant is disqualified from receiving a
license or permit.

(e) The licensing authority may also make inquiries concerning an 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. The director or
commissioner to whom the licensing authority makes such an inquiry shall provide prompt and
full cooperation with any investigation of the applicant.

(f) Whoever knowingly files an application for any license or permit issued under
sections 124 to 125B, inclusive, containing false information or knowingly issues any such
license or permit in violation of this chapter shall be punished by a fine of not less than $500 nor
more than $1000 or by imprisonment for not less than 6 months nor more than 2 years in a house
of correction, or by both such fine and imprisonment. Section 121B. Local licensing authorities;
(a) The application for any license or permit issued under sections 124 to 125B, inclusive, shall be made in a standard form provided by the commissioner of the department of criminal justice information services, which shall require the applicant, or parent or guardian of a minor, to affirmatively state, under the pains and penalties of perjury, that they are not disqualified on any of the grounds enumerated in section 123 of this chapter from being issued such license or permit.

(b) A licensing authority, shall record in books, forms or electronic files kept for that purpose on the business premises, and on an electronic portal provided by the department, when produced or received, all: (i) firearms licensing applications, receipts, fees, affidavits and training certificates; (ii) issued licenses and permits, and denials, revocations and suspensions of the same; (iii) decisions of the firearm licensing review board; and (iv) firearm transfers including deliveries, seizures, surrenders, loss or theft or disposals. The department shall ensure automatic notification to the licensing authority of the existence of any disqualifying condition discovered or occurring subsequent to the issuance of said license or permit.

(c) Any license or permit issued under sections 124, 124B and 124C shall be issued in standard form provided by the department 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 be clearly marked with the license or permit name. It shall contain a license or permit number, name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee or permit-holder and shall provide in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline and the Samaritans Statewide Hotline.
Section 121C. Colonel of state police; statewide firearm surrender program

Notwithstanding any general or special law, rule or regulation to the contrary, the colonel of state police, in conjunction with the secretary of the executive office of public safety, shall promulgate rules and regulations implementing a statewide firearm surrender program. In conjunction with this program only, any resident of the commonwealth who complies with the policies set forth by the colonel shall not be asked for identification and shall be immune from prosecution for possession of such firearm, feeding device or ammunition; provided, however, that nothing herein shall prohibit the prosecution of any person for the unlawful possession of a firearm, feeding device or ammunition who is not in compliance with the conditions and procedures established by the colonel; and provided further, that nothing herein shall prohibit the prosecution of any person for any other offense committed within the commonwealth.

Any firearm, feeding device or ammunition surrendered under this program that is reported lost or stolen shall be returned to its lawful owner, provided, however, that any firearm, feeding device or ammunition suspected to be evidence in a crime shall remain in the custody and control of the department of state police in the same manner as any other such firearm, feeding device or ammunition lawfully seized by the department of state police. The department of state police may test-fire and preserve any and all firearms voluntarily surrendered. All firearms, feeding devices and ammunition that have been voluntarily surrendered that are not suspected to be evidence of criminal activity and have not been reported stolen shall be disposed of in accordance with procedures established by the colonel.

SECTION 48. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 122 and inserting in place thereof the following section: -
Section 122. Registration of firearms; reporting; loss or theft; punishment

(a) All firearms and feeding devices possessed in the commonwealth must be registered in accordance with this section. All firearms and feeding devices purchased, acquired, manufactured, or assembled in the commonwealth shall, at the time of purchase, acquisition, manufacture or assembly be registered unless the firearm is imported by: (i) a new resident moving into the commonwealth who causes the firearm to be serialized and registered within 60 days of arrival; (ii) an heir who is transferred the firearm through the distribution of an estate and causes said firearm to be serialized and registered within 60 days of taking possession; (iii) a licensed dealer, gunsmith, distributor or manufacturer who causes said firearm to be serialized and registered within 10 days of taking possession. Privately made firearms must be registered within 7 days of manufacture or assembly pursuant to section 122A.

(b) The registration of all firearms and feeding devices shall be via a real time electronic system developed and maintained by the department of criminal justice information services and, at a minimum, include the following information: (i) name, address and contact information of registrant; (ii) license or permit type, number, and expiration date for registrant or documentation of exemption pursuant to sections 127 or 127A; (iii) manufacturer, make, model, caliber, and serial number of each firearm or feeding device; (iv) date each firearm or feeding device was acquired; (v) name and address of source from which each firearm or feeding device was obtained, including the name and address of the prior registrant if applicable; and (vi) a statement signed by the registrant under the pains and penalties of perjury that they are properly licensed, permitted or exempted under the laws of the commonwealth and are not otherwise prohibited from owning or possessing a firearm or feeding device. If the firearm or feeding device has been assembled from separate parts, the registrant shall include such information on
the registration form and include all applicable serial numbers and manufacturers. If the firearm or feeding device has been manufactured or assembled using additive manufacturing, the registrant shall include such information on the registration form.

(c) Any sale, rental, lease, loan, surrender, disposal, or other transfer of a firearm or feeding device within the commonwealth must be reported via a real time electronic system developed and maintained by the department of criminal justice information services within 7 days of sale, rental, lease, surrender, disposal or transfer; provided, however, that no report is required for a loan of a firearm or feeding device to a duly licensed or exempted person for a period of less than 7 days.

(d) Firearm tracing reports by law enforcement created pursuant to section 122C shall be reported and the department of criminal justice information services shall ensure that this system automatically populates such information into the federal electronic system maintained by the department of alcohol, tobacco and firearms.

(d) Any loss or theft of a firearm or feeding device, or subsequent recovery thereof, by any person or entity, shall be reported via the electronic portal to the licensing authority or state police where it is registered and the department of criminal justice information services in accordance with section 123C. Such report shall include, but is not limited to, a complete description of the firearm, including the make, model, serial number and caliber and whether it is a large capacity firearm. The portal shall provide automatic and immediate notification to the licensing authority in the town or city where the owner resides and where the license or permit was issued.
(e) The registration requirements of this section shall not apply to firearms or feeding devices: (i) being delivered to law enforcement for the sole purpose of its destruction; (ii) lawfully traveling through the commonwealth via common carrier; (iii) the property of the government of the United States; or (iv) produced by federally licensed manufacturers not for sale in the commonwealth.

(f) Whoever fails to report a purchase, sale, transfer, disposal, or removal in violation of this section shall for the first offense be punished by a fine of not less than $500 nor more than $1,000 and for any subsequent offense by imprisonment in the state prison for not more than 10 years.

(g) The executive office of public safety and security shall promulgate regulations for the implementation of this section, which shall include information required for the registration and reporting of firearms and feeding devices, public notice and an outreach campaign to promote awareness of this section.

SECTION 49. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 122A and inserting in place thereof the following section:

Section 122A. Serialization of firearms; privately made firearms

(a) All firearms and feeding devices manufactured, assembled, possessed, purchased or otherwise transferred or acquired in the commonwealth or imported into the commonwealth shall be serialized as defined in section 121 and in accordance with this section.

(b) No person may knowingly possess, offer for sale, sell or otherwise transfer or import an untraceable firearm or feeding device in the commonwealth or into the commonwealth unless
the firearm or feeding device is serialized and registered at the time of sale or transfer or within
10 days of its import into the commonwealth unless the import is by: (i) a new resident moving
into the commonwealth who causes the firearm to be serialized and registered within 60 days of
arrival; (ii) an heir who is transferred the firearm through the distribution of an estate and causes
said firearm to be serialized and registered within 60 days of taking possession; or (iii) a licensed
dealer, gunsmith, distributor or manufacturer who causes said firearm to be serialized within 10
days of taking possession.

(c) No person shall manufacture or assemble a privately made firearm in the
commonwealth without: (i) prior to manufacture or assembly obtaining a unique serial number
from the department of criminal justice information services; (ii) during manufacture or
assembly serializing the firearm with the obtained serial number; and (iii) within 7 days of the
firearm’s manufacture or assembly register the firearm with the department in accordance with
section 122.

(d) No person shall manufacture or assemble a privately made firearm unless it is
manufactured or assembled in a manner so that the completed firearm complies with all relevant
state and federal safety regulations.

(e) The department shall develop and maintain an electronic system to receive, record and
process requests for a unique serial number in accordance with this section. This system shall
integrate and populate the real time electronic portal created by the department to register all
firearms and report firearm transactions pursuant to section 122, ensuring all data on privately
made firearms is available for tracing purposes and data collection pursuant to sections 122B and
122C.
(f) Requests for a unique serial number through this system shall include information on
the person requesting a unique serial number, whether the request is for a privately made firearm,
the type of firearm or feeding device to be serialized, and, if privately made, the manner in which
production will take place, including whether an assembly kit or additive manufacturing will be
utilized.

(g) The registration requirements of this section shall not apply to firearms or feeding
devices: (i) being delivered to law enforcement for the sole purpose of its destruction; (ii)
lawfully traveling through the commonwealth via common carrier; (iii) the property of the
government of the United States; or (iv) produced by federally licensed manufacturers not for
sale in the commonwealth.

(h) The executive office of public safety and security, in consultation with the
department, shall promulgate rules and regulations for the implementation of this section,
including technical requirements for the serialization of firearms and feeding devices and
procedures for requesting serial numbers and which shall include public notice and an outreach
campaign to promote awareness of this section.

SECTION 50. Said chapter 140 of the General Laws, as so appearing, is hereby amended
by striking out section 122B and inserting in place thereof the following section: -

Section 122B. Firearms data; collection and reporting requirements (a) The department of
criminal justice information services in collaboration with the executive office of public safety
and security and the executive office of technology services and security, shall collect, assemble,
and publish data and other information relating to the use of firearms in the commonwealth.
(b) Subject to the conditions and requirements established elsewhere in the general laws, state and local agencies, including but not limited to the department of the state police, local licensing authorities, and other criminal justice agencies as defined in section 167 of chapter 6, shall provide timely access to information requested by the department of criminal justice information services pursuant to this section who shall promulgate rules and regulations to ensure the prompt collection, organization, and publication of firearms information.

(c) The department of criminal justice information services shall make non-personally identifying data accessible to the general public through the publication of an online dashboard updated at least quarterly. This dashboard shall include but not be limited:

(1) the following aggregate data on the issuance of firearm licenses and long gun permits pursuant to section 124 of chapter 140:

(i) age, gender, race, ethnicity, and municipality of applicants for a license to carry;

(ii) age, gender, race, ethnicity, and municipality of individuals whose applications for a license to carry were denied;

(iii) age, gender, race, ethnicity, and municipality of applicants for a long gun permit; and

(iv) age, gender, race, ethnicity, and municipality of individuals whose applications for a long gun permit were denied; and

(2) the following aggregate data on firearm-related violence, including but not limited to firearm-involved crimes and attempted or completed suicides using firearms:

(i) type of incident in which a firearm was used (e.g., attempted or completed suicide, homicide, accidental shooting, other firearm-involved crime);
(ii) age, gender, race, ethnicity of the firearm user;

(iii) age, gender, race, ethnicity of any victims of firearm-involved violence;

(iv) geographic location of the firearm-involved violence;

(v) license status of the firearm user;

(vi) whether the firearm user was a prohibited person as described in section 123 of chapter 140;

(vii) whether an arrest was made;

(viii) the disposition of any prosecution;

(ix) whether the firearm was used connection with known gang activity, a domestic dispute, or police interaction;

(x) make, model, manufacturer, and state or country of origin of involved firearms;

(xi) origins, source and secondary market of involved firearms, including whether they were purchased from a licensed dealer or private sale; and

(xii) whether involved firearms were lost, stolen or otherwise illegally obtained.

(d) the department of criminal justice information services in coordination with the executive office of public safety and security shall promulgate rules and regulations to ensure prompt collection, exchange, dissemination and distribution of all firearm licensing information, data and documents required in sections 121 to 131G, inclusive, in this chapter.
SECTION 51. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 122C and inserting in place thereof the following section: -

Section 122C. Tracing of firearms used to carry out criminal acts; statistical data; annual report

A firearm used to carry out a criminal act shall be traced by the licensing authority for the city or town in which the crime took place or the law enforcement agency taking possession of the firearm. That law enforcement agency shall report all available statistical data to the department of criminal justice information services. This statistical data shall include, but not be limited to: (i) the make, model, serial number and caliber of the weapon used; (ii) the type of crime committed; (iii) whether an arrest or conviction was made; (iv) whether fingerprint evidence was found on the firearm; (v) whether ballistic evidence was retrieved from the crime scene; (vi) whether the criminal use of the firearm was related to known gang activity; (vii) whether the weapon was obtained illegally; (viii) whether the weapon was lost or stolen; and (ix) whether the person using the weapon was otherwise a prohibited person.

The data shall be reported by the portal to the division of alcohol, tobacco and firearms through its online database and to the commonwealth fusion center or the criminal firearms and trafficking unit within the division of investigation and intelligence in the department of state police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce an annual report by December 31 of each year regarding crimes committed in the commonwealth using firearms, including all of the categories of data contained in this section, and shall submit a copy of the report to the joint committee on public safety and homeland security, the clerks of
the house of representatives and the senate and, upon request, to criminology, public policy and
public health researchers and other law enforcement agencies.

SECTION 52. Sections 122D, 129B, 129C, 129D, 130 ½, 131½, 131¾, 131H, 131I,
131J, 131K, 131L, 131M, 131N, 131O, 131Q, 131R, 131S, 131T, 131U, 131V, 131W, 131X,
and 131Y of said chapter 140 of the General Laws are hereby repealed.

SECTION 53. Said chapter 140 of the General Laws, as so appearing, is hereby amended
by striking out section 123 and inserting in place thereof the following sections: -

Section 123. Firearms licensing; prohibited persons; suitability; exceptions

(a) A licensing authority shall deny any license or permit issued under sections 124 to
125B, inclusive, to any person found to be a prohibited person. For the purposes of administering
licenses and permits issued under said sections a prohibited person shall be a person who:

(i) has ever, in a court of the commonwealth or in any other state or federal jurisdiction,
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 regarding the use, possession, ownership or transfer of weapons or
ammunition for which a term of imprisonment may be imposed; (E) a violation of any law of the
commonwealth regulating the use, possession or sale of controlled substances, as defined in
section 1 of chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18
U.S.C. 921(a)(33). Provided, however, that, the commission of (B), (D) or (E) shall only
disqualify an applicant for a long gun permit under section 124 for 5 years after the applicant
was convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs last.

(ii) 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 familiarity 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 the licensed firearm or permitted long gun; (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 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;

(iii) is currently subject to: (A) an order for suspension or surrender issued pursuant to sections 3B or 3C of chapter 209A; (B) a permanent or temporary protection order issued pursuant to said chapter 209A, including any order described in 18 U.S.C. 922(g)(8); (C) a permanent or temporary harassment prevention order issued pursuant to chapter 258E; (D) an
extreme risk protection order issued pursuant to sections 131A and 131B; or (E) an order similar to (A), (B), (C) or (D) issued by another jurisdiction;

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

(v) is a person not legally or lawfully in the United States;

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

(vii) is a fugitive from justice.

(b) The licensing authority shall deny the application or renewal of any license or permit issued under sections 124, 124B and 125 if the applicant is unsuitable to be issued or to continue to hold this license; provided, however, that a court order is required to stay the issuance of a long gun permit on these grounds. A determination of unsuitability shall be based on reliable, articulable, and credible information that the applicant has exhibited or engaged in behavior that suggests that, if issued a license to carry firearms, the applicant may create a risk to public safety or a risk of danger to self or others. Upon denial of an application or renewal of this license based on a determination of unsuitability, the licensing authority shall notify the applicant in writing setting forth the specific reasons for the determination.

(c) The licensing authority may stay the issuance or renewal of a long gun permit under section 124 by filing a petition requesting its denial on unsuitability grounds in the district court of jurisdiction. Such petition shall be founded upon a written statement of the reasons for supporting a finding of unsuitability and upon filing a copy of the written petition and statement.
will be provided to the applicant. The court shall within 90 days of receiving the filed petition hold a hearing to determine if the applicant for the long gun permit is unsuitable and enter a judgment on suitability. A determination of unsuitability shall be based on a preponderance of the evidence that there is reliable, articulable, and credible information that the applicant has exhibited or engaged in behavior that suggests that, if issued a long gun license, the applicant may create a risk to public safety or a risk of danger to self or others. If a court enters a judgment that an applicant is unsuitable the court shall notify the applicant in writing setting forth the specific reasons for such determination. If a court has not entered a judgement that an applicant is unsuitable within 90 days of the petition, the court shall enter a judgment that the applicant is suitable for a long gun license absent any other disqualification.

(d) An applicant or holder of a license or permit aggrieved by a denial, revocation or suspension of a license or permit issued under sections 124 to 125B, inclusive, may appeal this decision pursuant to section 123D.

(e) The executive office of public safety and security in cooperation with the department of criminal justice information services shall, unless otherwise explicitly assigned, promulgate rules and regulations to effectuate the firearms licensing procedures, standards and trainings as outlined in sections 121 to 129A, inclusive.

(f) No license or permit under this chapter shall be required for a legal resident of the commonwealth over the age of 18 to carry or possess:

(i) a firearm known as a detonator and commonly used on vehicles as a signaling and marking device and only when carried or possessed for such purposes; or
(ii) any device used exclusively for signaling 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.

Section 123A. Firearms licensing review board; members; license applicants; hearing

(a) There shall be a firearm licensing review board, established within the department of criminal justice information services, in this section called the board, comprised of 7 members;,

1 of whom shall be a member of the department of criminal justice information services appointed by the commissioner and who shall be the chair, 1 of whom shall be the secretary of public safety or their designee, 1 of whom shall be the colonel of state police or their designee, 1 of whom shall be appointed by the Massachusetts Chiefs of Police Association, 1 of whom shall be the attorney general or their designee, 1 whom shall be an attorney with litigation experience in firearm licensing cases and appointed by the governor from a list of qualified persons submitted to the governor by the Massachusetts Bar Association, and 1 of whom shall be a retired member of the judiciary and appointed by the governor.

(b) An applicant for a long gun permit 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 section 1 of chapter 209A, except that the determination to be made under clause (e) of said section 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 long gun permit 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 long gun permit 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 and which was not an assault or battery on a family member or household members, as defined by section 1 of chapter 209A, except that the determination to be made under clause (e) of said section 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 long gun permit 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 long gun permit 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.

(g) Members of the board shall serve without compensation but shall be entitled to reasonable subsistence and travel allowances in the performance of their duties.

(h) The executive office of public safety and security shall promulgate rules and regulations to effectuate this section.

Section 123B. Firearms licensing; fees; renewals; expiration; penalty

(a) All application fees for licenses and permits issued under sections 124 to 125B, inclusive, shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit all fees into the specified funds quarterly, not later than January 1, April 1, July 1 and October 1 of each year.
(b) Unless otherwise stated in this section the fee for an application or renewal of:

(i) any license or permit shall be $100 of which the licensing authority shall retain $25 of
the fee; $50 of the fee shall be deposited into the General Fund and not less than $50,000 of the
total funds deposited into the General Fund shall be allocated to the Firearm Licensing Review
Board, established in section 123A, for its operations and that any funds not expended by said
board for its operations shall revert back to the General Fund; and $25 of the fee shall be
deposited in the Firearms Fingerprint Identity Verification Trust Fund;

(ii) a license to carry firearms for active and retired law enforcement officials, or local,
state, or federal government entities acting on their behalf shall be $25 of which half shall be
retained by the licensing authority and half deposited into the General Fund; and

(iii) a long gun permit for persons under 18 years of age or a self-defense spray permit
shall be $25 of which half shall be retained by the licensing authority and half deposited into the
General Fund.

(c) Any person over the age of 70 and any law enforcement officer applying through their
employing agency for renewal of a license to carry firearms or long gun permit shall be exempt
from the requirement of paying a renewal fee.

(d) Any person with a license to sell under section 125 shall not be assessed any
additional fee for a gunsmith’s license.

(e) The commissioner of the department of criminal justice information services shall
send electronically or by first class mail to the license or permit holder, a notice of the expiration
of the license or permit not less than 90 days before its expiration and shall enclose or link to a form for its renewal. The form for renewal shall include:

(i) an affidavit which must be completed and returned in order to renew the license or permit in which the applicant shall verify that the applicant has not lost or had stolen any kind of firearm or a rifle or shotgun, for a license and permit respectively, from the applicant’s possession since the date of the applicant’s last renewal or issuance; and

(ii) all pertinent information about the penalties and punishments that may be imposed if the license or permit is not renewed.

(f) Notwithstanding any general law to the contrary, an expired license to carry firearms or a long gun permit shall remain valid for all lawful purposes if:

(i) the licensee or permit holder applied for renewal before the license or permit expiration date until the application for renewal is approved or denied;

(ii) the licensee or permit holder is on active duty with the armed forces of the United States on the expiration date of the license, the license or permit shall remain valid until the licensee or permit holder is released from active duty and for a period of not less than 180 days following the release; provided, however, that, if the licensee or permit holder applied for renewal prior to the end of that period, the license or permit shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied; or

(iii) the expiration period has not yet exceeded 90 days beyond the stated date of expiration, unless such license to carry or long gun permit has been revoked or suspended.
(g) Any person in possession of a firearm or long gun license whose respective license to carry firearms or long gun permit is invalid for the sole reason that it has expired, not including licenses and permits that remain valid under (f), and not otherwise disqualified from renewal upon application, shall be subject to a civil fine of not less than $100 nor more than $5,000 and section 10 of chapter 269 shall not apply; provided, however, that this exemption shall not apply if such license or permit: (i) has been revoked or suspended unless such revocation or suspension was caused by failure to give notice of a change of address; (ii) is the subject of pending revocation or suspension unless such revocation or suspension was caused by failure to give notice of a change of address; or (iii) has had an application for renewal denied. Any law enforcement officer who discovers a person to be in possession of a firearm after such person’s license or permit 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 and the expired or suspended license then in possession and such officer, shall forward such license or permit 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 has been confiscated, a written inventory and receipt for all firearms confiscated and the officer shall exercise due care in the handling, holding and storage of these items. Any confiscated firearm shall be returned to the owner upon the renewal or reinstatement of such expired or suspended license within 1 year of such confiscation or may be otherwise disposed of in accordance with section 123E. This paragraph shall not apply to temporary licenses to carry under section 124B.
(a) Licensees with a license to sell under section 125 shall, upon notice of any loss or
theft of a firearm, ammunition feeding device or ammunition therefor from the licensee or
licensee’s business premises shall immediately report such loss or theft to the department of
criminal justice information services.

(b) A person licensed or permitted under sections 124 or 124B or exempted under
sections 127 or 127A must, within seven days, report any loss, theft or recovery of a firearm to
the department of criminal justice information services.

(c) Whoever fails to report the loss or theft of a firearm or recover thereof as outlined in
paragraph (c) shall be punished as follows: (i) by a fine of not more than $1000 for a first
offense; (ii) by a fine of not more than $7,500 for a second offense or imprisonment for up to 6
months, or both such fine and imprisonment; and (iii) by a fine of not 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 report shall also be a cause for
suspension or permanent revocation of a person’s license or permit.

Section 123D. Firearms licensing; revocation; suspension; appeals

(a) A licensing authority shall revoke or suspend any license or permit issued in sections
124 to 125B, inclusive, upon the occurrence of any event which makes the licensee or permit
holder a prohibited person as defined in section 123. A licensing authority may revoke or
suspend any license or permit issued in sections 124 to 125B, inclusive, upon a subsequent
determination of unsuitability as defined in said section, or upon satisfactory proof that the
licensee has violated or permitted any other violation of any condition of the license or permit
under this chapter; provided, however, that a petition in the district court pursuant to procedures
of section 123 be filed for long gun permits. A licensing authority may revoke or suspend any license issued under sections 125 or 125B only after due notice to the licensee and reasonable opportunity to be heard.

(b) Any revocation or suspension of a license or permit shall be in writing and shall state the reasons therefor. 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 or permit may be reinstated only upon the termination of all disqualifying conditions. If a license to sell is revoked, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so revoked.

(c) Any applicant aggrieved by a denial, revocation, or suspension of a license to sell under section 125 may within 10 days thereafter apply to the colonel of the state police for such license, who may direct that said licensing authority grant said license, if, after a hearing, he is satisfied there were no reasonable grounds for the denial, suspension and revocation and that the applicant is not barred by law from holding such a license.

(d) Any applicant aggrieved by a denial, revocation or suspension of a license or permit issued under sections 124 to 125B, inclusive, by the licensing authority, 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, 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 or permit was issued.

(e) The justice may order a license to sell or license to carry be issued or reinstated upon
a finding that there was no reasonable ground for denying, suspending or revoking the license
and that petitioner is not prohibited by law from possessing the license. The justice may order a
long gun permit be issued or reinstated upon a finding that the petitioner is not prohibited by law
from possessing the permit.

Section 123E: Surrender of firearms to licensing authority upon revocation, suspension or
denial; right to transfer; disposal; reporting

Upon revocation, suspension or denial of an application for any firearms license or permit
issued pursuant to sections 124 to 125B, inclusive, 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, feeding devices, and ammunition which are registered to the person
and that the person then possesses. 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, feeding
deVICES, and ammunition to a licensed dealer or to a person legally permitted to purchase or take
possession of the firearms, feeding devices, 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, feeding devices, and ammunition to the transferee or purchaser and the
licensing authority shall observe due care in the receipt and holding of any such firearm, feeding
device or ammunition; provided, however, that the purchaser or transferee shall affirm in writing
that the purchaser or transferee shall not transfer the firearms, feeding devices or ammunition to
the former owner; provided further, however, that such transfer will not be permitted if the firearm may be evidence in any pending criminal investigation. The licensing authority shall at the time of delivery or surrender inform the person in writing of their right to request a transfer in accordance with this paragraph.

The licensing authority, after taking possession of any firearm, feeding device, or ammunition by any means, may transfer possession for storage purposes to a federally licensed firearms dealer 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 feeding devices, and ammunition; provided, however, that the licensing authority shall not transfer to such dealer possession of any firearm, feeding device, or ammunition that may be evidence in any pending criminal investigation. Any such dealer that takes possession of a firearm, feeding device, or ammunition pursuant to this section shall: (i) inspect the firearm, feeding device, or ammunition; (ii) issue to the owner a receipt indicating the make, model, caliber, serial number and condition of each firearm, feeding device, or ammunition so received; and (iii) store and maintain all firearms, feeding devices, and ammunitions 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.

Firearms, feeding devices, and ammunition not disposed of after delivery or surrender pursuant to 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, feeding devices, and ammunition and the proceeds shall be remitted to the General Fund.
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 firearm, feeding device, or ammunition 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 firearm, feeding device, or ammunition; provided, however, that any firearm, feeding device, or ammunition classified as having been used to carry out a criminal act pursuant to section 122C and any firearm, feeding device, or ammunition prohibited by law from being owned or possessed within the commonwealth shall not be sold at public auction pursuant to this section and shall instead be destroyed by the colonel of the state police.

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, feeding devices, 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, feeding device, or ammunition classified as having been used to carry out a criminal act pursuant to section 122C shall be considered surplus, donated, abandoned or junk for the purposes of this section.
The licensing authority shall report the delivery or surrender, or seizure pursuant to
sections 131 to 131G, inclusive, of firearms, feeding devices, and ammunition to the department
of criminal justice information services and notify the attorney general of any failure or refusal to
surrender pursuant to this section. The report shall include the following information: (i) date of
delivery, surrender or seizure; (ii) make, model, serial number and caliber of the firearm or
feeding device delivered, surrendered or seized and any identifying information for ammunition
delivered, surrendered or seized; (iii) grounds for surrender or seizure; (iv) whether the firearm,
feeding device, or ammunition is prohibited by law from being owned or possessed in the
commonwealth; (v) whether the firearm, feeding device, or ammunition was classified as having
been used to carry out a criminal act; and (vi) information on the possession, storage, transfer,
sale and any income derived therefrom, destruction, or other disposition of the firearm, feeding
device, or ammunition. Upon submission of this information, the portal shall automatically
report back to the licensing authority whether the firearm or feeding device is registered,
serialized, reported lost or stolen, or potential evidence in a pending criminal investigation. The
secretary of the executive office of public safety may make and promulgate such rules and
regulations as are necessary to carry out this section, including reporting requirements.

SECTION 54. Said chapter 140 of the General Laws, as so appearing, is hereby amended
by striking out section 124 and inserting in place thereof the following sections:

Section 124. License to carry firearms; long gun permit; conditions; notifications

(a)(1) A license to carry firearms shall entitle the holder thereof to transfer, possess and
carry firearms including large capacity firearms, feeding devices and ammunition therefor. This
license shall not entitle a holder thereof to transfer, possess or carry large capacity feeding
devices or assault-style firearms unless exempted from section 128B.

(2) Any lawful resident 21 years of age or older residing within the jurisdiction of the
licensing authority, 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 an application for a license to carry firearms, or renewal of the
same, which the licensing authority shall issue if it appears that the applicant is neither a
prohibited person nor determined to be unsuitable to transfer, possess or carry a firearm as
specified in section 123; provided, however, that upon an initial application for this license, the
licensing authority shall conduct a personal interview with the applicant.

(b)(1) A long gun permit shall entitle the holder thereof to transfer, possess and carry
common long guns, feeding devices and the ammunition therefor. A long gun permit shall not
entitle a holder to transfer, possess or carry any other firearm including any large capacity
firearm or semiautomatic rifle and shotgun except under the direct supervision of a holder of a
license to carry firearms at an incorporated shooting club or licensed shooting range as permitted
in this chapter.

(2) Any lawful resident 18 years of age or older residing within the jurisdiction of the
licensing authority or residing in an area of exclusive federal jurisdiction located within a city or
town may submit to the licensing authority an application for a long gun permit, or renewal of
the same, which the licensing authority shall issue if it appears that the applicant is not a
prohibited person and no judicial stay is requested as outlined in section 123. A person more than
15 but less than 18 years of age may submit an application for a long gun permit and be issued
the same only if said applicant meets the requirements of this paragraph and submits with the
application a certificate of a parent or guardian granting the applicant permission to apply for the
permit. A person more than 14 years of age may submit an application for a long gun permit but
the applicant shall not be issued the permit until the applicant reaches 15 years of age.

(c) No person shall be issued a license to carry or possess machine gun in the
commonwealth or be otherwise legally entitled to transfer, possess or carry a machine gun,
feeding device or ammunition therefor, except that a licensing authority or the colonel of the
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; or (ii) a
bona fide collector of firearms as defined in section 121 upon application or upon application for
renewal of such license.

(d) No license or permit shall issue under this section unless the applicant submits with
their application a certificate required in section 126.

(e) A person issued a license or permit under this section shall notify, via the electronic
firearm registration portal administered by the commissioner of the department of criminal
justice information services, of any change of address. Such notification shall be made on the
portal within 30 days of its occurrence. Failure to notify in a timely manner shall be cause for
revocation or suspension of said license or permit.

(f) Both a license to carry firearms and a long gun permit shall be valid, unless revoked or
suspended, for a period of not more than 6 years and shall expire on the anniversary of the
licensee’s or permit-holder’s date of birth occurring not less than 5 years nor more than 6. Any
license or permit issued to an applicant born on February 29 shall expire on March 1.
Any person issued a license or permit under this section, who, while not being within the limits of their own property or residence, or such person whose property or residence is under lawful search, shall on demand of a police officer or other law enforcement officer, exhibit their license or permit or receipt for fee paid for the same. Failure to do so may result in the surrender of said person’s firearms, feeding devices and ammunition, which shall be taken into custody pursuant to section 123E, except that such firearms, feeding devices and ammunition shall be returned forthwith upon presentation within thirty days of said license, permit or receipt. Any person with a license to carry or long gun permit may, even though no firearm was surrendered, be required to produce within thirty days said license or permit, failing which the conditions of section 123E will apply.

Section 124A. Stun guns; regulations relating to use, access and training

Sections 126, 128A and 129 shall not apply to stun guns as defined in section 121. The secretary of public safety and security shall promulgate regulations restricting access or use of stun guns by non-licensed persons and establishing minimum safety and quality standards, safe storage requirements, education and safety training requirements and law enforcement training on the appropriate use of stun guns, which shall require that any stun gun purchased or used by a law enforcement or public safety official include a mechanism for tracking the number of times the stun gun has been fired.

Section 124B. Temporary license to carry; permit to purchase firearms; punishment

(a) A temporary license to carry firearms, feeding devices or ammunition therefor within the commonwealth shall be issued by the colonel of the state police in accordance with the
qualification requirements and procedures for a license to carry firearms issued under section 124, to:

(i) a resident of the commonwealth for purposes of sports competition;

(ii) a nonresident for purposes of a firearm competition;

(iii) a nonresident who is in the employ of a bank, public utility corporation, or a firm engaged in the business of transferring monies, or business of a similar nature, or a firm licensed as a private detective under chapter 147, and whose application is endorsed by an employer; or

(iv) a nonresident who is a member of the armed services and is stationed within the territorial boundaries of the commonwealth and has the written consent of his commanding officer.

(b) A temporary license to possess a machine gun within the commonwealth, may be issued by the colonel of the state police in accordance with the qualification requirements and procedures for a license to carry a machine gun issued under section 124 to a nonresident employee of a federally licensed manufacturer of machine guns for the purpose of transporting or testing relative to the manufacture of machine guns, and whose application is endorsed by their employer.

(c) A temporary license issued under subsections (i) and (ii) of paragraph (a) shall be valid for a period of 1 year and may be renewed, if necessary, by the colonel. A temporary license issued under subsections (iii) and (iv) of paragraph (a) and paragraph (b) may be issued for any term not to exceed 2 years and shall expire in accordance with section 123B.
(d) The colonel may permit a licensee under this section to possess a large capacity firearm, and large capacity feeding device; provided, however, that this entitlement shall be clearly indicated on the license and conform with the requirements of section 128B.

(e) A temporary license issued pursuant to this section shall clearly be marked as such and may not be used to purchase or otherwise transfer firearms, feeding devices or ammunition in the commonwealth.

(f) A person over the age of 18, including persons in possession of a temporary license issued under this section, may apply to the colonel of the state police for a permit to purchase, rent or lease a firearm, feeding device or ammunition which may be granted if the person is qualified to be granted a license to carry under section 123 and it appears that such purchase, rental or lease is for a proper purpose. A permit to purchase shall be valid for not more than 10 days after issue and may be revoked at will. The colonel may impose such restrictions they deem proper relative to the caliber and capacity of the firearm, feeding device and ammunition to be purchased, rented or leased.

(g) Whoever knowingly issues a temporary license or 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 the house of correction.

Section 124C. Self-defense spray permit; possession by minors; punishment

(a) No person under 18 years of age may purchase or possess self-defense spray as defined in section 121 without a self-defense spray permit issued by a local licensing authority. This permit shall be valid to purchase and possess self-defense spray, including all chemical
mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate.

(b) A local licensing authority may issue a person at least 15 years of age but less than 18 years a self-defense spray permit if the person is not a prohibited person under section 123. A self-defense spray permit is issued for the sole purpose of purchasing and possessing self-defense spray and shall clearly state that it is valid for such limited purpose only. This card may be issued to a person under the age of 15 if the applicant submits with their application a certificate from the applicant’s parent or guardian granting permission to apply for this permit.

(c) Whoever, not being licensed as provided in section 125, sells self-defense spray shall be punished by a fine of not more than $1,000 or by imprisonment in a house of correction for not more than 2 years. Whoever licensed or unlicensed under section 125 sells self-defense spray to a person younger than 18 years of age, if the person younger than 18 years of age does not have a self-defense spray permit, shall be punished by a fine of not more than $300.

(d) A person under 18 years of age who purchases or possesses self-defense spray and who does not have a self-defense spray permit shall be punished by a fine of not more than $300.

(e) A self-defense spray permit shall be valid for a period of three years and shall expire on the anniversary of the permit holder’s date of birth occurring not less than three years nor more than four years from the date of issue. Any permit issued to an applicant born on February 29 shall expire on March 1.

SECTION 55. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 125 and inserting in place thereof the following sections:
Section 125. License to sell firearms; conditions; business premises; term

(a) A local licensing authority may grant a license to sell, rent, lease, purchase or otherwise transfer firearms, feeding devices and ammunition therefor, or to be in business as a gunsmith, to any person 18 years of age or older who is neither a prohibited person nor deemed unsuitable to be issued said license as set forth in section 123 and who completes the online dealer training classes mandated under section 126A.

(b) Licensees shall maintain a business premise that is not a residence or dwelling wherein all transactions shall be conducted and wherein all records shall be kept. A license to sell does not entitle the holder thereof to possess or carry any firearm, feeding device or ammunition outside of the licensed business premises. A license to sell shall not protect a licensee who carries at any place outside their licensed place of business; provided, however, the licensee may request a transfer of a license to sell from one location to another within the city or town of the local licensing authority’s jurisdiction and such request shall be granted at the discretion of the licensing authority, upon the same terms and conditions upon which the license was originally granted. A license to sell may not be transferred to any other person or entity.

(c) Licensees must display their license to sell or a copy thereof, certified by the licensing authority, in a position where it can be easily read; provided also that no firearm shall be displayed in any outer window of the business premises or in any other place where it can be readily seen from the outside.

(d) Licensee must conspicuously post and distribute at each purchase counter a notice providing information on: (i) safe transportation and storage of firearms developed and provided by the department of criminal justice information services who shall develop and maintain on its
website for download a sign providing such information; and (ii) suicide prevention developed
and provided by the division on violence and injury prevention within the department of public
health who shall develop and make available on its website for download a sign providing the
information on suicide prevention.

(e) A license to sell firearms shall expire 3 years from the date of issuance.

Section 125A. License to sell firearms; records; sales and deliveries; punishment;
inspections

(a) Prior to any transfer, a person with a license to sell, in this section referred to as
licensee, as issued under section 125, shall verify the status of any license, permit or exemption
documentation including a verification that the person presenting the license, permit or
documentation is the lawful holder thereof. No transfer of any firearm, feeding device or
ammunition shall be made to any person not in possession of the required license, permit or
exemption documentation at the time of the transaction.

(b) Upon being presented with an expired, suspended or revoked license or permit said
licensee shall:

(i) notify the department of criminal justice information services as prescribed below;

(ii) take possession of such card or license and immediately forward the same to the local
licensing authority;

(iii) issue the license or permit holder a receipt, in a form provided by the commissioner
of the department of criminal justice information services, which shall state that the holder’s
license or permit is expired, suspended or revoked, was taken by the licensee, and forwarded to
the licensing authority, and which shall be valid for 90 days for the purpose of providing
immunity from prosecution under section 10 of chapter 269; and

(iv) notify the license or permit holder of their duty to surrender their firearms forthwith
to their local licensing authority under section 123E.

The licensee shall be immune from civil and criminal liability for good faith compliance
with the provisions herein.

(c) The licensee shall make and keep a sales record book furnished by the commissioner
of the department of criminal justice services and said book shall be open at all times to the
inspection of the police. Before transfer or delivery of any sold, rented, leased or otherwise
transferred firearm or feeding device or ammunition, a legible entry in a sales record book must
be made and kept specifying:

(i) the complete description of the firearm, feeding device and ammunition, including the
make, serial number, type of firearm and designation as a large capacity firearm, if applicable;

(ii) whether the firearm, feeding device or ammunition has been sold, rented or leased
and the date of such transaction;

(iii) the license or permit identification number of the person acquiring the firearm,
feeding device or ammunition along with their sex, residence address and occupation; and

(iv) the purchaser, renter or lessee’s name as personally written by said person in the
sales record book and as confirmed by valid state or federal identification.
(d) A licensee must immediately report to the department of criminal justice information services using its online portal all firearm transfers and transactions required, including but not limited to, all information recorded in subsection (c) and in accordance with subsection (b).

(e) A licensee may sell or transfer firearms, feeding devices and 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 both federal and Massachusetts law and regulations.

(f) No licensee shall fill an order for any firearm, feeding device, or ammunition received by mail, facsimile, telephone or other telecommunication unless such transaction includes the in-person presentation of the required license, permit or documentation as required herein prior to any sale, delivery or any form of transfer or possession.

(g) Licensee shall ensure that all firearms, feeding devices and ammunition shall be unloaded when delivered and that delivery is only made to a person properly licensed, permitted or exempted to possess the delivery.

(h) Any licensee, and any employee or agent of such a licensee who violates this section 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.

(i) The department of state police shall enter, up to 1 time per calendar year, during regular business hours, the business premises of any licensee, and make inquiries and inspect the licensee’s records, inventory, policies and procedures for the purpose of enforcing the provisions of the General Laws. Licensees found to be in violation of this chapter shall be subject to the suspension or revocation of their license to sell. The department of the state police shall
promulgate rules and regulations on this subsection. Nothing herein shall prohibit the enforcement from conducting such inspections pursuant to a valid search warrant issued by a court of competent jurisdiction.

Section 125B. Club licenses; sale of ammunition; large capacity firearms; reporting

(a) A lawfully incorporated sporting or shooting club shall, upon application, be licensed to sell or supply ammunition for regulated shooting on their premises, as for skeet, target or trap shooting; provided, however, that such club license shall, on behalf of said club, be issued to and exercised by an officer or duly authorized member of the club who themselves possess a license to carry firearms and who would not be disqualified to receive a license to sell in their own right. This license is subject to the same terms, conditions and qualifications of a license to sell as issued under section 125.

(b) The colonel of the state police may, after an investigation, grant a license to carry to a club or facility with an on-site shooting range or gallery, which club is incorporated under the laws of the commonwealth a club license for the possession, storage and use of large capacity firearms, feeding devices and ammunition therefor for use 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 firearms and feeding devices may be used under the club license only by a member that possesses a valid license to carry firearms issued pursuant to section 124, or by such other person that the club permits while under the direct supervision of a certified firearms safety instructor or club member who possesses a valid license to carry firearms.

(c) The club shall:
(i) 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;

(ii) not allow the removal of any large capacity firearm or feeding device from the premises except as permitted by law in order to: (A) transfer to a licensed dealer; (B) transport to a licensed gunsmith for repair; (C) transport to target, trap or skeet shoot on the premises of another club incorporated under the laws of the commonwealth; (D) transport to 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 national or state recognized entity that promotes proficiency in or education about semiautomatic weapons; (E) hunt pursuant to chapter 131; or (F) surrender the firearm or feeding device pursuant to section 121C;

(iii) secure in a locked container and unload during any lawful transport all large capacity firearms or feeding devices kept on the premises when not in use;

(iv) annually file a report with the colonel of the state police and the commissioner of the department of criminal justice information services listing all large capacity firearms and large capacity feeding devices owned or possessed under the license; and

(v) permit the colonel or a designee to inspect all firearms owned or possessed by the club upon request during regular business hours.

Section 125C. License to sell firearms; transfers restricted to firearm wholesalers; punishment
(a) No licensee may sell, rent, lease or otherwise transfer any firearm described in this section except to a business entity that is primarily a firearm wholesaler, and such transfer must, by its terms, prohibit the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth.

(b) The firearm has a frame, barrel, cylinder, slide or breechblock that is composed of (A) any metal having a melting point of less than 900 degrees Fahrenheit; (B) any metal having an ultimate tensile strength of less than 55,000 pounds per square inch; or (C) 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 a firearm for which a sample of 3 firearms in new condition all pass the following test: each of the 3 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 of 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 6 malfunctions and completes the test without any crack or breakage of an operating part of the firearm that does not increase the danger of injury to the user. For purposes of this clause “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. This 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.

(c) The 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 5 firearms in new condition all undergo, and none discharge during, the following test: each of the 5 sample firearms shall be: (i) test loaded; (ii) 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 firearm; and (iii) dropped onto a solid slab of concrete from a height of one meter from each of the following positions: (A) normal firing position; (B) upside down; (C) on grip; (D) on the muzzle; (E) on either side; and (F) 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.

(d) The firearm is prone to (i) firing more than once per pull of trigger; or (ii) explosion during firing.

(e) The firearm has a barrel less than 3 inches in length, unless the licensee discloses in writing, prior to the transaction, to the prospective buyer, lessee 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 7 yards, average group diameter test result at 14 yards and average group diameter test result at 21 yards. For purpose 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 5 rounds at a target from a set distance and the largest spread in inches between the centers of any of the holes made in the test target shall be measured and recorded. This procedure shall be repeated 2 more times on the firearm. The arithmetic mean of each of the 3 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, if none is recommended, any standard ammunition of the correct caliber in new condition.

(f) This section 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 stun gun as defined in section 121; or (iii) a firearm designated by the secretary of public safety, with the advice of the firearm control advisory board, established pursuant to section 128, as a firearm solely designed and sold for formal target shooting competition or for Olympic shooting competition and listed on the rosters therefor.

(g) Any licensee and any employee or agent of such a licensee who violates this section shall be punished 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 10 years, or by both such fine and imprisonment.

SECTION 56. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 126 and inserting in place thereof the following sections: -
Section 126. Basic firearms safety certificate; instructors; punishment; public service announcements

(a) Any person making application for the issuance of a firearms license or permit under sections 124 or 124B shall, in addition to the requirements set forth in this chapter submit to the licensing authority a basic firearms safety certificate; provided, however, that a certificate issued under 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 for the issuance of a long gun permit. 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 long gun permit 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.

(b) The colonel of state police, in consultation with the municipal police training committee, shall promulgate rules and regulations governing the issuance and form of basic firearms safety certificates required by this section, including minimum requirements for course curriculum and the contents of any written examination. Said colonel shall certify certain persons as firearms safety instructors, certify safety course curriculum and annually update and post on
its website a list of approved instructors. Certification as a firearm safety instructor shall be valid for a period of 10 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 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; (d) knowledge of operation, potential dangers and basic competency in the ownership and use of firearms; (e) injury prevention and harm reduction education; (f) active shooter and emergency response training; (g) applicable laws relating to the use of force; (h) de-escalation and disengagement tactics; and (i) live firearms training.

(c) Any firearms safety instructor certified under 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 through class participation, written examination and live
firearms training. Instructors certified under this section shall forward to the department of criminal justice information services copies of basic firearms safety course certificates issued, which shall include a certification of each person’s satisfactory completion of the basic firearms safety course and competency in the ownership and use of firearms. Upon receipt the department of criminal justice information services shall forward a copy of such certificate to the participant. Local licensing authorities shall require a copy of such certificate to be provided concurrently with an application for a firearms license or permit and may make inquiry to the department of criminal justice information services to confirm the issuance to the applicant of a basic firearms safety certificate.

(d) Any person applying for licensure pursuant to 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 2 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 2 years in a house of correction, or by both such fine and imprisonment.

(f) The colonel of state police shall produce and distribute public service announcements to encourage and educate the general public about: (i) safe storage and transportation of weapons pursuant to sections 126B and 126C; and (ii) importance of firearms safety education and
training, including information on places and classes that a person may attend to obtain firearms safety education and training.

Section 126A. Training; local licensing authorities and firearms dealers

(a) Licensing authorities shall participate in training seminars as prescribed by the executive office of public safety and security which are not limited to but may provide instruction on (i) current laws, regulations and rules relating to this chapter; (ii) licensing responsibilities; (iii) record keeping obligations; (iv) firearm surrender, registration and tracing; and (iv) electronic database use. Regulations prescribed by the executive office of public safety and security shall include penalties for non-compliance which may include review by the Massachusetts Peace Officers Standards and Training (POST) Commission.

(b) Any person making an application for the issuance of a license to sell or renewal therefor under section 125 shall, in addition to the requirements set forth in this chapter, complete an online dealer training program promulgated and offered by the executive office of public safety and security. No application for the issuance of a license to sell shall be accepted or processed by the licensing authority without a certification of program completion.

(c) The curriculum for the online dealer training program shall include information on requirements and conditions expressed sections 122 to 130, inclusive, and other relevant General Laws and shall further include (i) uniform standards of security for business premises; and (ii) employee background check and training requirements.

(d) The executive office of public safety and security shall promulgate rules and regulations governing local licensing authority training and the dealer training program.
Section 126B. Firearm transport; vehicles; exceptions; punishment

(a) No person shall possess a loaded firearm under a license or permit issued under sections 124 to 125B, inclusive, or through an exemption under sections 127 or 127A, in a vehicle unless the firearm is under the direct control of the person. Whoever violates this subsection shall be punished by a fine of $500.

(b) No person shall possess a large capacity firearm or machine gun under a license or permit issued under sections 124 to 125B, inclusive, or through an exemption under sections 127 or 127A, in a vehicle unless it is unloaded and secured in a locked container. Whoever violates this subsection shall be punished by a fine of not less than $500 nor more than $5,000.

(c) This section shall not apply to: (i) an officer, agent or employee of the commonwealth, any state or the United States; (ii) a member of the military or other service of any state or of the United States; (iii) a duly authorized law enforcement officer, agent or employee of a municipality of the commonwealth; provided, however, that a 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 the person's official duties.

(d) A conviction of a violation of this section shall be reported immediately by the court or magistrate to the licensing authority. The licensing authority shall immediately revoke the license or permit of the person convicted of a violation of this section. No new license or permit may be issued to a person convicted of a violation of this section until 1 year after the date of revocation of the license or permit.

Section 126C. Secure firearm storage; punishment
(a) It shall be unlawful to store or keep any firearm in any place unless such firearm is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render the firearm inoperable by any person other than the owner or other lawfully authorized user. For purposes of this section, such firearm shall not be deemed stored or kept if carried by or under the direct control of the owner or other lawfully authorized user.

(b) A violation of this section shall be punished, in the case of any firearm that is not large capacity or a machine gun, by a fine of not less than $1,000 nor more than $7,500 or by imprisonment for not more than 1 ½ years or by both such fine and imprisonment and, in the case of a large capacity firearm 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 ½ 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 common long gun that was stored or kept in a place where a person younger than 18 years of age who does not possess a valid long gun permit issued under section 124 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 ½ 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 firearm or a semiautomatic firearm, or any other firearm 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 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 firearm, unless such person possessed a valid long
gun permit issued under section 124 and was permitted by law to possess such firearm, and such
access results in the personal injury to or the death of any person.

SECTION 57. Said chapter 140 of the General Laws, as so appearing, is hereby amended
by striking out section 127 and inserting in place thereof the following sections: -

Section 127. Firearms licensing; exempted persons and organizations

(a) Possession of a firearm, feeding device, or ammunition for a particular purpose and
limited time without being duly licensed or permitted under sections 124 to 125B, inclusive, is
permitted by:

(i) a person voluntarily surrendering the firearm or ammunition to a licensing authority
pursuant to section 123E or the colonel of the state police pursuant to section 121C;

(ii) a resident of the commonwealth returning after having been absent from the
commonwealth for not less than 180 consecutive days or any new resident moving to the
commonwealth, only with respect to any firearm, feeding device, or ammunition then in their
possession prior to moving or return, for 60 days after such return or entry into the
commonwealth; or
(iii) an heir or legatee upon the death of the firearm, feeding device or ammunition owner for not more than 180 days after said firearm, feeding device or ammunition is transferred into their possession and who shall also be permitted to sell or otherwise transfer said firearm, feeding device or ammunition to a duly licensed person within this time period pursuant to section 127B.

(b) Possession of a firearm, feeding device, or ammunition only while under direct supervision and only for a particular purpose and limited time without being duly licensed or permitted under sections 124 to 125B, inclusive, is permitted by:

(i) a retail customer for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations, provided the firearms to be so used are firmly chained or affixed to the counter and they are under the direct supervision of a duly licensed or permitted proprietor or employee thereof;

(ii) a professional photographer or writer for examination purposes while in the pursuit of their profession and only during the course of any television, movie, stage or other similar theatrical production under the immediate supervision of a holder of a license to carry or, in the case of common long guns only, a long gun permit;

(iii) a person within the course of any television, movie, stage or similar theatrical production while under the immediate supervision of a person licensed to carry firearms and only in regard to the possession of a firearm and blank ammunition; or

(iv) a person in the presence of a holder of a license to carry for firearms or long gun permit for common long guns for the purpose of examination, trial or instruction.
(c) Common carriers, their duly authorized employees and agents, may possess non large capacity firearms, feeding devices, and ammunition therefor while performing the regular and ordinary transport of firearms as merchandise for customers duly licensed to permit such transport so long as they abide by all storage and transportation requirements set forth in section 126B.

(d) Banks or institutional lenders, their duly authorized employees and agents, may possess and transfer non large capacity firearms, feeding devices and ammunition therefor as collateral for a secured commercial transaction or as a result of a default thereof.

(e) Organizations, their duly authorized employees and agents, may purchase, transfer and possess non large capacity firearms, feeding devices and ammunition therefor for a particular purpose and limited time without being duly licensed or permitted under this chapter if they are a:

(i) federally licensed firearms manufacturer or wholesale dealer or their employees or agents may possess firearms, feeding devices and ammunition therefor when their possession is necessary for manufacture, display, storage, transport, installation, inspection, or testing; or

(ii) federal, state and local historical societies, museums, and institutional collections open to the public may possess firearms, feeding devices and ammunition therefor, provided such firearms are unloaded and properly housed and secured from unauthorized handling and further provided that the requirements for sales in section 127B are met.

(f) 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 its members may possess firearms, feeding devices and ammunition therefore;
provided, however, that only unloaded large capacity rifles or shotguns or unloaded feeding
devices or the same when loaded with blank cartridges which contain no projectile within the
blank or the bore or chamber may be possessed and provided that all possession by members is
limited to when on official parade duty or ceremonial occasions.

(g) A person in the military or other service of any state or of the United States, and
police officers and other peace officers of any jurisdiction, may purchase, sell, otherwise transfer
and possess not large capacity firearms, feeding devices, and ammunition therefor without being
duly licensed or permitted under this chapter while in the performance of their official duty or
when duly authorized to possess them; provided, however, that the requirements for sales in
section 127B are met. Upon purchase, this person 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, as applicable.

(h) A person may furnish a minor under the age of 18 with a firearm for hunting,
instruction and participation in shooting sports and a minor under the age of 15 with a rifle or
shotgun for hunting or target shooting, provided that the minor is under the immediate
supervision of a person holding a license to carry or long gun permit, 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 performance of their duty.

(i) nothing in this section shall supersede the firearm reporting, registration and
serialization requirements outlined in this chapter.

Section 127A. Firearms licensing; nonresident exemptions
(a) A nonresident who is at least 18 years of age may possess common long guns and ammunition therefor for all lawful purposes if the nonresident has a permit or license to carry firearms issued from their state of residence which has substantially similar requirements to those of the commonwealth for a long gun permit.

(b) A nonresident who is at least 18 years of age may also possess common long guns and ammunition therefor: (i) to hunt during hunting season with a hunting license or permit lawfully issued from their state of residence which has substantially similar requirements to those in section 11 of chapter 131; (ii) while on a firing or shooting range; (iii) while traveling in or through the commonwealth, provided that they are unloaded and enclosed in a case in accordance with section 126B; or (iv) while at a firearm showing or display organized by a regularly existing gun collectors’ club or association.

(c) A nonresident who is at least 18 years of age may possess a pistol or revolver in or through the commonwealth for the purpose of taking part in a pistol or revolver competition or attending any meeting or exhibition of any organized group of firearm collectors for the purpose of hunting; provided, that such person has a permit or license to carry firearms issued from their state of residence which has substantially similar requirements to those of the commonwealth for a license to carry;

(d) Police officers and other peace officers of any state, territory or jurisdiction within the United States duly authorized to possess firearms by the laws thereof shall, for the purposes of this section, be deemed to have a permit or license to carry non large capacity firearms as described in this section.
(e) The colonel of the state police shall determine those states with substantially similar requirements to those of the commonwealth for a long gun permit, license to carry or hunting license and shall annually publish a list of those states whose requirements comply with this section.

Section 127B. Firearm purchases, sales or transfers by non-dealers; reporting

(a) A person with a license to carry under section 124 may sell or transfer firearms, feeding devices, and ammunition therefor and a person with a long gun permit under section 124 may sell or transfer common long guns and ammunition therefor to a person with a license to sell issued under section 125, a federally licensed firearms dealer, or a federal, state or local historical society, museum or institutional collection open to the public.

(b) A person with a license to carry may sell or transfer firearms, feeding devices, and ammunition therefor and a person with a long gun permit may sell or transfer common long guns and ammunition therefor, provided, however, that no more than 4 transfers occur per calendar year to:

(i) a person with a license to carry under section 124;

(ii) a person with a permit to purchase under section 124B;

(iii) an exempted person if permitted under section 127 or 127A; or

(iv) a person with a long gun permit under section 124; provided, however, that for transfers and purchases of firearms that are not common long guns, the transferee must also have a valid permit to purchase under section 124B.
(c) An heir or legatee upon the death of the firearm owner, a person in the military, police officers and other peace officers, a veteran’s organization and historical society, museums and institutional collections open to the public may:

(i) sell or transfer firearms, feeding devices, and ammunition therefor, to a federally licensed firearms dealer, or a federal, state or local historical society, museum or institutional collection open to the public; and may:

(ii) sell or transfer no more than 4 firearms with feeding device and ammunition therefor per calendar year to: (A) a person with a license to carry under section 124; (B) a person with a permit to purchase under section 124B; (C) an exempted person under section 127 or 127A; or (D) to a person with a long gun permit under section 124; provided, however, that for transfers and purchases of firearms that are not common long guns, the transferee must also have a valid permit to purchase under section 124B.

(d) A person with a license to carry under section 124 may purchase or transfer firearms, feeding devices, and ammunition therefor from a dealer licensed under section 125 or a person permitted to sell under section 127B.

(e) A person with a long gun permit under section 124 who is over 18 years of age may purchase or transfer common long guns and ammunition therefor from a dealer licensed under section 125 or a person permitted to sell under section 127B; provided, however, that if the permittee also holds a permit to purchase under section 124B the purchase or transfer of firearms, feeding devices, and ammunition may be permitted.
(f) The holder of a permit to purchase under section 127B may purchase or transfer firearms, feeding devices, and ammunition from a dealer licensed under section 125 or another person permitted to sell under section 127B.

(g) A bona fide collector of firearms may purchase a firearm that was not previously owned or registered in the commonwealth from a dealer licensed under section 125 if it is a curio or relic firearm as defined in section 121.

(h) Any purchase, sale or transfer of a firearm permitted under this section shall, prior to or at the point of sale, be conducted over the 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 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. This portal 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.

(i) No person, other than a licensed dealer under section 125 or a person issued a license or permit under section 124 or 124B or permitted under an exemption in sections 127 and 127A shall own or possess any firearm, feeding device or ammunition. No person shall sell, give away,
loan or otherwise transfer a firearm, feeding device or ammunition unless through a licensed
dealer or pursuant to the terms of this section unless exempted by law.

SECTION 58. Said chapter 140 of the General Laws, as so appearing, is hereby amended
by striking out section 128 and inserting in place thereof the following section: -

Section 128. Firearm control advisory board

There shall be a firearm control advisory board, within the executive office of public
safety and security, hereinafter referred to as the board, comprised of 7 members: the director of
the firearms record bureau within the department of criminal justice information services or
designee, who shall serve as chair; the attorney general or designee; 1 member appointed by the
speaker of the house of representatives; 1 member appointed by the president of the senate; 2
members appointed by the governor, 1 of whom shall be a member of the gun owners action
league and 1 of whom shall be a police chief selected from a list of four chiefs provided by the
Massachusetts chiefs of police association; and the armorer of the department of state police or
designee.

It shall be the responsibility of the board to advise the executive office of public safety
and security on matters relating to the implementation of sections 121 to 130, inclusive,
including but not limited to compiling, updating and publishing the firearm rosters outlined in
section 128A. The board shall also advise the executive office of public safety and security on
training needs and materials for licensing authorities and licensees. The board shall serve without
compensation; provided, however, that members shall be reimbursed for any usual and
customary expenses incurred in the performance of their duties. The executive office of public
safety and security in consultation with the board shall adopt operating rules and procedures for
its organization and activities.

SECTION 59. Said chapter 140 of the General Laws, as so appearing, is hereby amended
by striking out section 128A and inserting in place thereof the following section: -

Section 128A. Firearms rosters; large capacity; assault-style; target and Olympic shooting

The secretary of public safety and security shall, with the advice of the firearm control
advisory board established pursuant to section 128, compile and publish rosters of large capacity
firearms, large capacity feeding devices, assault-style firearms and firearms approved for sale
and use in the commonwealth. The secretary shall, not less than three times annually, review,
update, and publish the rosters online, and send a copy to all dealers licensed in the
commonwealth pursuant to section 125. Licensing authorities shall provide information on these
rosters to all permitholders and licensees upon initial issuance and every renewal.

The secretary, with the advice of the firearm control advisory board, shall also compile
and publish a roster of firearms solely designed and sold for formal target shooting competitions
or Olympic shooting competitions. The board shall, not less than biannually, review, update and
publish these rosters and make them available for distribution.

The secretary may amend any roster upon their own initiative. A person may petition the
secretary to place a firearm or feeding device on, or remove a firearm or feeding device from, the
roster, subject to the provisions of this section. A petition to amend a roster shall be submitted in
writing to the secretary, in the form and manner prescribed by the secretary, and include reasons
why the roster should be amended. Upon receipt of a petition to amend a roster, the secretary
shall, within 45 days, either notify the petitioner that the petition is denied or modify the roster.

An addition to the roster shall be effective on the date it is published online by the board.

The secretary shall promulgate rules and regulations to effectuate this section, including
but not limited to rules governing the board’s procedures, notice, petitions and appeals.

SECTION 60. Said chapter 140 of the General Laws, as so appearing, is hereby amended
by striking out section 128B and inserting in place thereof the following sections: -

Section 128B. Assault-style firearms or large capacity feeding devices not lawfully
possessed on September 13, 1994; exceptions; punishment

No person may knowingly possess, own, offer for sale, sell or otherwise transfer
in the commonwealth or import into the commonwealth an assault-style firearm as defined in
section 121 that was not otherwise lawfully possessed on September 13, 1994, or a large capacity
feeding device as defined in section 121.

This section shall not apply to a large capacity feeding device lawfully possessed on
September 13, 1994 only if such possession is: (i) on private property owned or legally
controlled by the person; (ii) on private property that is not open to the public with the express
permission of the person who owns or controls such property; (iii) while on the premises of a
licensed firearms dealer or gunsmith for the purpose of lawful repair; (iv) at a licensed firing
range or sports shooting competition venue; or (v) while traveling to and from these locations,
provided the large capacity feeding device is stored unloaded and enclosed in accordance with
section 126B.
A person authorized under this chapter to possess a large capacity feeding device may only transfer the device to an heir, a person residing outside the commonwealth, or a licensed dealer. Any transfer of a large capacity feeding device shall be reported according to section 122.

Whoever violates 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.

This section shall not apply to possession by: (i) qualified law enforcement officers and qualified retired law enforcement officers as defined in the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 925B and 926C); or (ii) a federal, state or local law enforcement agency.

The office of the attorney general shall promulgate rules and regulations for this section which shall include public notice and an outreach campaign to promote awareness of the provisions of this section.

Section 128C. Covert firearms; deceptive firearm devices; undetectable firearms; punishment

No person shall knowingly possess, own, sell, offer for sale, transfer, manufacture, assemble, repair or import any firearm capable of discharging a bullet or shot that is a covert firearm, a deceptive firearm device, or an undetectable firearm all as defined in section 121.

Whoever violates 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 128D. Modifications; automatic conversions; punishment

No person shall perform an automatic conversion as defined in section 121 on any firearm in the commonwealth. No person shall possess, own or transfer in the commonwealth or import into the commonwealth any automatic part, bump stock or trigger modifier as defined in section 121.

Any person found in violation of this section shall be punished by imprisonment in the state prison for life or for any term of years provided that any sentence imposed shall not be less than 2 ½ years in state prison or 18 months in the 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 their sentence for good conduct until they 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.

SECTION 61. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 129 and inserting in place thereof the following sections: -
Section 129. Firearms without safety devices; liability; exceptions

Any firearm, as defined in section 121, sold within the commonwealth without a safety device designed to prevent the discharge of such firearm 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 firearm shall constitute a breach of warranty under section 2–314 of chapter 106 and an unfair or deceptive trade act or practice under section 2 of chapter 93A. Any entity responsible for the manufacture, importation or sale as an inventory item or consumer good, both as defined in section 9–102 of chapter 106, of such a firearm 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 section 2 of chapter 93A or section 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 firearm. 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 firearm shall be liable to any person for injuries caused by the discharge of such firearm 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 firearm; (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 firearm 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 firearm for the lawful performance of his official duties; and provided further, that any such firearm so distributed is distributed solely for use in connection with such duties.

Section 129A. Illegal sale or transfer of firearms; punishment; prima facie machine gun business

(a) Whoever licensed under section 125 sells or furnishes any person under 18 years of age a common long gun or ammunition therefore or any person under 21 years of age a firearm, large capacity firearm, semiautomatic rifle or shotgun or feeding device or ammunition therefor shall have their license to sell 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 house of correction for not more than 2 ½ years or by both such fine and imprisonment; provided, however, that a valid permit to purchase issued under section 124B may permit certain firearm transfers to persons over 18 years of age.
(b) Any person who, without being licensed under section 125 or exempt as provided under this chapter sells, rents, leases or otherwise transfers a firearm or feeding device, 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.

(c) Whoever not being licensed under section 125 or exempt as provided under this chapter sells ammunition within the commonwealth shall be punished by a fine of not less than $500 nor more than $1,000 dollars or by imprisonment for not less than 6 months nor more than 2 years.

(d) A person who uses a license to carry firearms, a long gun permit or a permit to purchase a firearm, feeding device or ammunition for the unlawful use of another or for resale or transfer to an unlicensed person shall be punished by a fine of not less than $1,000 nor more than $50,000 or by imprisonment for not less than 2 ½ years nor more than 10 years in a state prison or by both such fine and imprisonment. A conviction of this offense shall be immediately reported by the court to the licensing authority that issued the license or permit. Said licensing authority shall immediately revoke the license or permit pursuant to section 123D and no license or permit shall be issued to a person so convicted within 2 years after the date of the revocation of the license or permit.

(e) Evidence that a person sold or attempted to sell a machine gun shall constitute prima facie evidence that such person is engaged in the business of selling machine guns.

SECTION 62. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 130 and inserting in place thereof the following sections: -
Section 130. Identification of firearms; certificate by ballistics expert as prima facie evidence

A certificate by a ballistics expert of the department of the state police or of the city of Boston of the result of an examination made by the expert of an item furnished to the expert by any police officer, signed and sworn to by such expert, shall be prima facie evidence of the expert’s findings as to whether or not the item furnished is a firearm, a feeding device or ammunition, as defined by section 121; provided that in order to qualify as an expert under this section the expert shall have previously qualified as an expert in a court proceeding.

Section 130A. Placards; signs or advertisements; prima facie 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 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 are kept in or upon such vehicle or premises for sale or that the occupant is engaged in business as a gunsmith.

SECTION 63. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 130B and inserting in place thereof the following sections:

Section 130B. Falsifying firearm license or permit; punishment

Whoever falsely makes, alters, forges or counterfeits or procures or assists another to falsely make, alter, forge or counterfeit any license or permit issued under sections 124 to 125B, inclusive, 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 or permit issued under sections 124 to 125B, inclusive, 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 130C. Fictitious name or address and other false information; punishment

Whoever in purchasing, renting or otherwise procuring a firearm, feeding device or
ammunition 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,
citizenship or residency 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 ½ years nor more than 5 years in the state prison.

Section 130D. Loan of money secured by firearms; punishment

Whoever loans money secured by mortgage, deposit or pledge of a firearm 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 to a manufacturer,
wholesaler, or dealer of firearms. The delivery provisions of section 125A 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 64. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 131 and inserting in place thereof the following section: -

Section 131. Extreme risk protection orders; petitions

(a) A petitioner who believes that a person holding a firearms license or permit 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, feeding device or ammunition;

(iii) identify the number, types and locations of any firearms, feeding devices 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 clause 26 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 65. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 131A and inserting in place thereof the following section:
Section 131A. Extreme risk protection orders; hearing; issuance; warrants; surrender of license, permit and firearm; punishment

(a) The court shall, within 10 days of receipt of a petition pursuant to section 131, 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 subsection (a), the court shall, within 2 days of receipt of a petition made pursuant to section 131, conduct a hearing on the petition if the respondent files an affidavit that a firearm, feeding device or ammunition is required in the performance of the respondent's employment.

(c)(1) 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, feeding device 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.

(c)(2) Upon granting a petition, the court shall issue an extreme risk protection order and shall order the respondent to surrender any firearms licenses and permits and all firearms,
feeding devices 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 131 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 131.

(d) (1) If after the hearing pursuant to subsection (a) or subsection (b), the court has
probable cause to believe that the respondent has access to a firearm, feeding device or
ammunition, on their person or in an identified place, the court shall concurrently issue a warrant
identifying the property, naming or describing the person or place to be searched, and
commanding the appropriate law enforcement agency to search the person of the respondent and
any identified place and seize any firearm, feeding device or ammunition found to which the
respondent would have access.

(2) The court shall subsequently issue additional warrants of this nature based on
probable cause that the respondent has retained, acquired, or gained access to a firearm, feeding
device or ammunition while an order under this section remains in effect.
(3) Upon execution of the extreme risk protection order warrant, the law enforcement agency conducting the search shall issue a receipt identifying any firearm, feeding device or ammunition seized. The law enforcement agency shall provide a copy of the receipt to the respondent. The licensing authority shall then, within 48 hours of the search, return the warrant to the court with the original receipt. If the law enforcement agency executing the warrant and the licensing authority for the municipality where the respondent resides are different, the law enforcement agency shall remit to the licensing authority a copy of the receipt along with any seized items, and shall file with its warrant and receipt a certification signed by both the law enforcement agency and the licensing authority that the seized items were delivered to and accepted by the licensing authority. The licensing authority shall store the seized items with any items surrendered in accordance with this section.

(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. If an extreme risk protection order warrant has been issued, the court shall submit 2 certified copies of the warrant, 1 copy of the petition and summons and 1 copy of the extreme risk protection order to the appropriate law enforcement agency for execution. Licensing authorities and law enforcement agencies shall establish adequate procedures to ensure that, when effecting service upon a respondent or executing a warrant, a law enforcement officer shall, to the extent practicable: (i) fully inform the respondent of the contents and terms of the order or warrant and the available penalties for any violation; 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
firearms license or permit 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 firearms license or permit and all firearms, feeding devices or
ammunition in their control, ownership or possession to the local licensing authority serving the
order, in accordance with section 123E; provided, however, that nothing in this section or in said
section 123E shall allow the respondent to: (i) transfer any firearms, feeding devices, 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, feeding
devices 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 firearms license or permit and all firearms,
feeding devices 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
123E, if the licensing authority cannot reasonably ascertain a lawful owner of firearms, feeding
devices 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, feeding devices
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 2 1/2
years in a house of correction or by both such fine and imprisonment.

(g) Upon receipt of a firearms license or permit and any firearms, feeding devices or
ammunition surrendered by a respondent pursuant to subsection (f) or seized pursuant to
subsection (d), the licensing authority taking possession of the firearms license or permit and
firearms, feeding devices or ammunition shall issue a receipt identifying any firearms license or
permit and all firearms, feeding devices or ammunition surrendered or seized and shall provide a
copy of the receipt to the respondent. The licensing authority shall, within 48 hours of the
surrender or 48 hours of receipt after seizure, file the receipt with the court.

(h) If a person other than the respondent claims title to any firearms, feeding devices or
ammunition required to be surrendered, or seized pursuant to this section, and is determined by
the licensing authority to be the lawful owner of the firearms, feeding devices or ammunition, the
firearms, feeding devices or ammunition shall be returned to the person; provided, however, that:
(i) the firearms, feeding devices or ammunition are removed from the respondent's control,
ownership or possession and the lawful owner agrees to store the firearms, feeding devices or
ammunition in a manner such that the respondent does not have access to, or control of, the
firearms, feeding devices or ammunition; and (ii) the firearms, feeding devices 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 2 1/2 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, feeding devices or ammunition that have been surrendered pursuant to this section shall return any firearms license or permit and all firearms, feeding devices 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 firearms license or permit and to control, own or possess firearms, feeding devices or ammunition under federal and state law.

Not less than 7 days prior to the expiration of an extreme risk protection order, a licensing authority holding any firearms, feeding devices 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 firearms license or permit and the return of any firearms, feeding devices 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, feeding devices 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 firearms license or permit and the return of any firearms, feeding devices or ammunition to the respondent.

(j) A respondent who has surrendered a firearms license or permit and all firearms, feeding devices or ammunition to a licensing authority, or who had any firearms, feeding devices
or ammunition seized by a law enforcement agency, and who does not wish to have the firearms
license or permit or firearms, feeding devices or ammunition returned or who is no longer
eligible to control, own or possess firearms, feeding devices or ammunition pursuant to this
chapter or federal law, may sell or transfer title of the firearms, feeding devices or ammunition to
a licensed firearms dealer; provided, however, that the respondent shall not take physical
possession of the firearms, feeding devices or ammunition. The licensing authority may transfer
possession of the firearms, feeding devices 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,
feeding devices or ammunition from the respondent to the dealer.

(k) If the licensing authority cannot reasonably ascertain the lawful owner of any
firearms, feeding devices or ammunition surrendered or seized pursuant to this section within
180 days of the expiration or termination of the order to surrender the firearms, feeding devices
or ammunition the licensing authority may dispose of the firearms, feeding devices or
ammunition pursuant to section 123E.

(l) The secretary of public safety and security shall promulgate regulations necessary to
implement sections 131 through 131G, inclusive.

SECTION 66. Said chapter 140 of the General Laws, as so appearing, is hereby amended
by striking out section 131B and inserting in place thereof the following section:

Section 131B. Extreme risk protection orders; emergency orders

(a)(1) Upon the filing of a petition pursuant to section 131, 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 131A 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 firearms license or permit or having in the respondent's control, ownership or possession a firearm, feeding device 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 131A. 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 131A or at the conclusion of a hearing held pursuant to said subsection (a) or (b) of said section 131A unless a permanent order is issued by the court pursuant to subsection (c)(2) of said section 131A.

(2) Upon receipt of service of an extreme risk protection order pursuant to this section, the respondent shall immediately surrender the respondent's firearms license or permit and all firearms, feeding devices or ammunition to the local licensing authority serving the order as provided in subsection (f) of section 131A.

(b)(1) If the court has probable cause to believe that the respondent has access to a firearm, feeding device or ammunition, on his or her person or in an identified place, the court shall concurrently issue a warrant identifying the property, naming or describing the person or place to be searched, and commanding the appropriate law enforcement agency to search the person of the respondent and any identified place and seize any firearm, feeding device or ammunition found to which the respondent would have access.

(2) The law enforcement agency shall conduct its search and manage any seized property pursuant to (d)(3) of section 131A.
(c) 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 firearms license or by having in the respondent's control, ownership or possession of a firearm, feeding device or ammunition, and may issue an extreme risk protection order warrant upon probable cause that the respondent has access to a firearm, feeding device or ammunition, on their person or in an identified place. 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 and warrant 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 or warrant 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 131, the petitioner shall appear in court on the next available court business day to file a petition. An order or warrant issued under this subsection shall expire at the conclusion of the next court business day after issuance unless a petitioner has filed a petition with the court pursuant to said section 131 and the court has issued an emergency extreme risk protection order pursuant to subsection (a).

SECTION 67. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 131C and inserting in place thereof the following sections:

Section 131C. Extreme risk protection orders; notice of order

On the same day that an extreme risk protection order is issued pursuant to section 131A or section 131B, 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 131A or said section 131B, 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 131D. Extreme risk protection orders; false information with intent to harass; punishment

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 2 1/2 years in the house of correction or by both such fine and imprisonment.

SECTION 68. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 131E and inserting in place thereof the following section:

Section 131E. Extreme risk protection orders; pro se petitions
The chief justice of the trial court, in consultation with the chief justice of the district court and the chief justice of the Boston municipal court, shall promulgate rules, regulations and policies and shall develop and prepare instructions, brochures, petitions, forms and other material required for the administration and enforcement of sections 131 to 131G, inclusive, which shall be in such form and language to permit a petitioner to prepare and file a petition pro se.

SECTION 69. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 131F and inserting in place thereof the following section:

Section 131F. Extreme risk protection orders; effect on law enforcement to act; jurisdiction

(a) Sections 131 to 131G, inclusive, shall not affect the ability of a law enforcement officer to remove firearms, feeding devices or ammunition from any person or conduct any search and seizure for firearms, feeding devices or ammunition pursuant to other lawful authority.

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

(c) Sections 131 to 131G, 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 131A or section 131B. 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.

SECTION 70. Said chapter 140 of the General Laws, as so appearing, is hereby amended by striking out section 131G and inserting in place thereof the following section:

Section 131G. Extreme risk protection orders; annual reporting

The court shall annually, not later than December 31, issue a report on the use of extreme risk protective orders. The report shall be submitted to the executive office of public safety and security, the chairs of the joint committee on public safety and homeland security, the chairs of the joint committee on the judiciary, the chairs of the joint committee on mental health substance use and recovery, and clerks of the senate and the house of representatives. The report shall include, but shall not be limited to, the following information:

1. The number of extreme risk protective order petitions filed;
2. The number of extreme risk protective order petitions that lead to a respondent's surrender pursuant to section 131A;
3. The number of extreme risk protective order petitions that are heard but not granted;
4. The number of emergency extreme risk protective order petitions filed;
5. The number of emergency extreme risk protective order petitions that lead to a respondent's surrender pursuant to 131B;
(6) the number of emergency extreme risk protective order petitions that are heard but not granted;

(7) the number of extreme risk protection order warrants issued;

(8) the number of extreme risk protection order warrants that lead to the seizure;

(9) a breakdown of the types of items surrendered (e.g., firearms license or permit, firearm, feeding device or ammunition);

(10) a breakdown of the types of items seized (e.g., firearm, feeding device or ammunition);

(11) the number of extreme risk protective order or emergency extreme risk protective order petitions filed that are deemed to be fraudulent;

(12) the number of instances in which a fine has been assessed for a filed petition that was deemed to be fraudulent;

(13) the race and ethnicity of the petitioner and respondent;

(14) the gender and gender identity of the petitioner and respondent;

(15) the data on the duration of extreme risk protection orders; and

(16) the number of instances in which an order has been terminated or otherwise modified prior to its original expiration date.

SECTION 71. Chapter 209A of the General Laws, as so appearing, is hereby amended by striking out section 3B and inserting in place thereof the following section:
Section 3B. Order for suspension and surrender of firearms license or permit; surrender of firearms; petition for review; hearing

Upon issuance of a temporary or emergency order under section 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 or permit pursuant to sections 124 to 125B, inclusive, of chapter 140 which the defendant may hold and order the defendant to surrender all firearms, feeding devices and ammunition which they then control, own or possess in accordance with this chapter and said chapter 140 and any firearms license or permit which the defendant may hold shall be surrendered to the appropriate law enforcement officials in accordance with this chapter and said chapter 140 and, said law enforcement official may store, transfer or otherwise dispose of any such firearms, feeding devices and ammunition in accordance section 123E of chapter 140; provided however, that nothing herein shall authorize the transfer of any firearms, feeding devices or ammunition 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 section 7.

Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms, feeding devices and ammunition, as well as any firearms license or permit 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 ½ 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 firearms license or permit has
been suspended upon the issuance of an order issued pursuant to section 4 or 5, said petition may
be heard contemporaneously with the hearing specified in the second sentence of the second
paragraph of section 4. Upon the filing of an affidavit by the defendant that a firearm, feeding
device 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 72. Chapter 209A of the General Laws, as so appearing, is hereby amended by
striking out section 3C and inserting in place thereof the following section: -

Section 3C. Continuation or modification of order for surrender or suspension

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 firearms license or permit and the
surrender of all firearms, feeding devices or ammunition which such defendant then controls,
owns or possesses if the court makes a determination that the return of such firearm license or
permit or firearms, feeding devices 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
firearm, feeding device or ammunition is surrendered may store, transfer or otherwise dispose of
any such firearm, feeding device in accordance with section 123E of chapter 140; provided,
however, that nothing herein shall authorize the transfer of any firearms, feeding devices or
ammunition 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 2½ years in a house of correction or by both such fine and imprisonment.

SECTION 73. Chapter 258E of the General Laws, as so appearing, is hereby amended by
inserting after section 4 the following sections: -

Section 4A. Order for suspension and surrender of firearms license; surrender of
firearms; petition for review; hearing

Upon issuance of a temporary or emergency order under section 5 or 6 of this chapter, the
court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of
harassment, order the immediate suspension and surrender of any firearms license or permit
which the defendant may hold and order the defendant to surrender all firearms, feeding devices
and ammunition which the defendant then controls, owns or possesses in accordance with this
chapter and chapter 140 and any firearms license or permit which the defendant may hold shall
be surrendered to the appropriate law enforcement officials in accordance with this chapter and
said chapter 140 and, said law enforcement official may store, transfer or otherwise dispose of
any such firearms, feeding devices and ammunition in accordance with section 123E of chapter
140; provided however, that nothing herein shall authorize the transfer of any firearms, feeding
devices and ammunition 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 the harassment
prevention order served on the defendant pursuant to section 9. Law enforcement officials, upon
the service of said orders, shall immediately take possession of all firearms, feeding devices and
ammunition, and any firearms license or permit 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 ½ 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 firearms license or permit
has been suspended upon the issuance of an order issued pursuant to section 5 or 6, said petition
may be heard contemporaneously with the hearing specified in the second sentence of the second
paragraph of section five. Upon the filing of an affidavit by the defendant that a firearm, feeding
device 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 4B. Continuation or modification of order for surrender or suspension

Upon the continuation or modification of an order issued pursuant to section 5 or upon
petition for review as described in section 4A, the court shall also order or continue to order the
immediate suspension and surrender of a defendant's firearms license or permit and the surrender
of all firearms, feeding devices or ammunition which such defendant then controls, owns or
possesses if the court makes a determination that the return of such firearms license to permit or
firearms, feeding devices or ammunition presents a likelihood of harassment 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
firearm, feeding device or ammunition is surrendered may store, transfer or otherwise dispose of
any such weapon in accordance with section 123E of chapter 140; provided, however, that
nothing herein shall authorize the transfer of any firearms, feeding devices or ammunition
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 2 ½
years in a house of correction or by both such fine and imprisonment.

Section 4C. Transmission of report to department of criminal justice information services

Upon an order for suspension or surrender issued pursuant to sections 4A or 4B, the court
shall transmit a report containing the defendant's name and identifying information and a
statement describing the defendant's alleged conduct and relationship to the plaintiff to the
department of criminal justice information services. Upon the expiration, cancellation or
revocation of the order, the court shall transmit a report containing the defendant's name and
identifying information, a statement describing the defendant's alleged conduct and relationship
to the plaintiff and an explanation that the order is no longer current or valid to the department of
criminal justice information services who 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.

SECTION 74. The title of section 15E of chapter 265 of the General Laws, as so
appearing, is hereby amended by striking out the words “, large capacity weapon, rifle, shotgun,
sawed-off shotgun or machine gun”.

SECTION 75. Section 15E of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 to 3, the words “, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun”.

SECTION 76. The title of section 15F of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out the words “, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun”.

SECTION 77. Section 15F of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 to 3, the words “, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun”.

SECTION 78. Section 17 of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in line 8, the word “five” and inserting in place thereof the following figure: - 5.

SECTION 79. Said section 17 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 9, the word “ten” and inserting in place thereof the following figure: - 10.

SECTION 80. Said section 17 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 10 to 11 and 13 to 14, each time it appears, the words “, shotgun, rifle, machine gun or assault weapon”.

SECTION 81. The title of section 18 of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out the words “sixty” and inserting in place thereof the following figure: - 60.
SECTION 82. Section 18 of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 9, each time it appears, the word “sixty” and inserting in place thereof in each instance the following figure: - 60.

SECTION 83. Said section 18 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 5 to 6 and 30, each time it appears, the words “shotgun, rifle, machine gun or assault weapon”

SECTION 84. Said section 18 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 7, the word “ten” and inserting in place thereof the following figure: - 10.

SECTION 85. Said section 18 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 12 and 16, each time it appears, the word “two” and inserting in place thereof in each instance the following figure: - 2.

SECTION 86. Said section 18 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 24-25, the words “eighty-seven of chapter two hundred and seventy-six” and inserting in place thereof the following words: - 87 of chapter 276.

SECTION 87. Said section 18 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 35, the words “twenty” and inserting in place thereof the following figure: - 20.

SECTION 88. Said section 18 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 38, the words “five” and inserting in place thereof the following figure: - 5.
SECTION 89. Section 18A of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4, 11 and 12, each time it appears, the word “ten” and inserting in place thereof, in each instance, the following figure: - 10.

SECTION 90. Said section 18A of said chapter 265, as so appearing, is hereby further amended by striking out, in line 6, the word “five” and inserting in place thereof the following figure: - 5.

SECTION 91. Said section 18A of said chapter 265, as so appearing, is hereby further amended by striking out, in line 8, the words “, shotgun, rifle or assault weapon,”.

SECTION 92. Section 18B of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4, 6 to 7, 18 to19 and 21, each time they appear, the words “, rifle or shotgun”.

SECTION 93. Said section 18B of said chapter 265, as so appearing, is hereby amended by striking out, in line 6, the word “five” and inserting in place thereof the following figure: - 5.

SECTION 94. Said section 18B of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 7 and 22, each time it appears, the word “weapon” and inserting in place thereof, in each instance, the following word: - firearm.

SECTION 95. Said section 18B of said chapter 265, as so appearing, is hereby further amended by inserting, in lines 10 and 24, after the word “gun”, each time it appears, the following words: - , automatic conversion or automatic part.
SECTION 96. Said section 18B of said chapter 265, as so appearing, is hereby further amended by striking out, in line 11, the word “ten” and inserting in place thereof the following figure: - 10.

SECTION 97. Said section 18B of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 14 to 15, the words “rifle or shotgun including, but not limited to, a large capacity weapon or machine gun”.

SECTION 98. Section 21A of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 12, each time they appear, the words “two and one half” and inserting in place thereof, in each instance, the following figure: 2 ½.

SECTION 99. Said section 21A of said chapter 265s, as so appearing, is hereby further amended by striking out, in line 7, the words “one thousand” and inserting in place thereof the following figure: - $1,000.

SECTION 100. Said section 21A of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 7 and 13, each time they appear, the words “fifteen thousand” and inserting in place thereof, in each instance, the following words: - $15,000.

SECTION 101. Said section 21A of said chapter 265, as so appearing, is hereby further amended by striking out, in line 11, the word “twenty” and inserting in place thereof the following figure: - 20.

SECTION 102. Said section 21A of said chapter 265, as so appearing, is hereby further amended by striking out, in line 11, the word “one” and inserting in place thereof the following figure: - 1.
SECTION 103. Said section 21A of said chapter 265, as so appearing, is hereby further
amended by striking out, in line 13, the words “five” and inserting in place thereof the following
words: - $5,000.

SECTION 104. Said section 21A of said chapter 265, as so appearing, is hereby further
amended by striking out, in lines 14 to 15, the words “, rifle, shotgun, machine gun or assault
weapon,”.

SECTION 105. Section 22 of said chapter 265 of the General Laws, as so appearing, is
hereby amended by striking out, in lines 8 to 11, the words “fifteen A, fifteen B, seventeen,
nineteen or twenty-six of this chapter, section fourteen, fifteen, sixteen, seventeen or eighteen of
chapter two hundred and sixty-six or section ten of chapter two hundred and sixty-nine” and
inserting in place thereof the following words: - 15A, 15B, 17, 19 or 26 of this chapter, section
14, 15, 16, 17 or 18 of chapter 266 or section 10 of chapter 269.

SECTION 106. Said section 22 of said chapter 265, as so appearing, is hereby further
amended by striking out, in lines 16, 18, 36 and 38, each time it appears, the word “two-thirds”
and inserting in place thereof, in each instance, the following figure: - 2/3.

SECTION 107. Said section 22 of said chapter 265, as so appearing, is hereby further
amended by striking out, in line 17, the word “two” and inserting in place thereof the following
figure: - 2.

SECTION 108. Said section 22 of said chapter 265, as so appearing, is hereby further
amended by striking out, in line 24, the word “twenty” and inserting in place thereof the
following figure: - 20.
SECTION 109. Said section 22 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 28 to 29, the words “, rifle, shotgun, machine gun or assault weapon.”.

SECTION 110. Said section 22 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 30, the word “ten” and inserting in place thereof the following figure: - 10.

SECTION 111. Section 24 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 3, the word “twenty” and inserting in place thereof the following figure: - 20.

SECTION 112. Said section 24 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 4, the words “two and one half” and inserting in place thereof the following figure: - 2½.

SECTION 113. Said section 24 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 8, the words “, rifle, shotgun, machine gun or assault weapon”.

SECTION 114. Said section 24 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 10, the word “five” and inserting in place thereof the following figure: - 5.

SECTION 115. Said section 24 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 16 and 18, each time it appears, the word “two-thirds” and inserting in place thereof, in each instance, the following figure: - 2/3.
SECTION 116. Section 24B of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word “sixteen” and inserting in place thereof the following figure: - 16.

SECTION 117. Said section 24B of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 2 to 3, the words “thirty-nine of chapter two hundred and seventy-seven” and inserting in place thereof the following words: - 39 of chapter 277.

SECTION 118. Said section 24B of said chapter 265, as so appearing, is hereby further amended by striking out, in line 5, the word “eighteen” and inserting in place thereof the following figure: - 18.

SECTION 119. Said section 24B of said chapter 265, as so appearing, is hereby further amended by striking out, in line 7, the word “five” and inserting in place thereof the following figure: - 5.

SECTION 120. Said section 24B of said chapter 265, as so appearing, is hereby further amended by striking out, in line 9, the words “, rifle, shotgun, machine gun or assault weapon”.

SECTION 121. Said section 24B of said chapter 265, as so appearing, is hereby further amended by striking out, in line 11, the word “ten” and inserting in place thereof the following figure: - 10.

SECTION 122. Section 26 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 3, 6, 7, 8, 39, 42, 43 and 44, each time it appears, the word “his” and inserting in place thereof, in each instance, the following word: - their.
SECTION 123. Said section 26 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 5, 7, 41 and 43, each time it appears, the word “him” and inserting in place thereof, in each instance, the following word: - them.

SECTION 124. Said section 26 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 9 and 18, each time it appears, the word “ten” and inserting in place thereof, in each instance, the following figure: - 10.

SECTION 125. Said section 26 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 10, the words “one thousand dollars” and inserting in place thereof the following figure: - $1,000.

SECTION 126. Said section 26 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 11, the word “two” and inserting in place thereof the following figure: - 2.

SECTION 127. Said section 26 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 16 and 22 to 23, each time it appears, the words “, rifle, shotgun, machine gun or assault weapon”.

SECTION 128. Said section 26 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 18 to 19, the words “two and one half” and inserting in place thereof the following figure: - 2½.

SECTION 129. Section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 5 to 6, the words “five thousand dollars” and inserting in place thereof the following word: - $5,000.
SECTION 130. Said section 39 of said chapter 265s, as so appearing, is hereby further amended by striking out, in lines 7 and 24 to 25, each time it appears, the words “two and one half” and inserting in place thereof, in each instance, the following figure: - 2½.

SECTION 131. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 9, the words “three” and inserting in place thereof the following figure: - 3.

SECTION 132. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 12 and 15, each time it appears, the word “one” and inserting in place thereof, in each instance, the following figure: - 1.

SECTION 133. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 12, the words “one hundred and fifty-one B” and inserting in place thereof the following figure: - 151B.

SECTION 134. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 15 to 16, the words “ninety-four C” and inserting in place thereof the following figure: - 94C.

SECTION 135. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 19, the words “ten thousand dollars” and inserting in place thereof the following figure: - $10,000.

SECTION 136. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 20, the words “five” and inserting in place thereof the following figure: - 5.
SECTION 137. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 22, the words “”, rifle, shotgun, machine gun or assault weapon”.

SECTION 138. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 24, the words “ten” and inserting in place thereof the following figure: - 10.

SECTION 139. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 31, the words “one hundred dollars” and inserting in place thereof the following figure: - $100.

SECTION 140. Said section 39 of said chapter 265, as so appearing, is hereby further amended by striking out, in line 36, the words “thirty-nine Q of chapter ten” and inserting in place thereof the following words: - 39Q of chapter 10.

SECTION 141. The title of section 58 of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out the word “weapon” and inserting in place thereof the following word: - firearm.

SECTION 142. Section 58 of said chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word “weapon” and inserting in place thereof the following word: - firearm.

SECTION 143. Section 14 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words “”, rifle, shotgun, machine gun or assault weapon”.

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SECTION 144. Section 17 of said chapter 266 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word “ten” in inserting in place thereof the following figure: - 10.

SECTION 145. Said section 17 of said chapter 266, as so appearing, is hereby amended by striking out, in line 7, the words “, rifle, shotgun, machine gun or assault weapon”.

SECTION 146. Section 18 of said chapter 266 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word “ten” and inserting in place thereof the following figure: - 10.

SECTION 147. Said section 18 of said chapter 266, as so appearing, is hereby amended by striking out, in line 6, the words “five hundred dollars” and inserting in place thereof the following figure: - $500.

SECTION 148. Said section 18 of said chapter 266, as so appearing, is hereby amended by striking out, in line 7, the word “two” and inserting in place thereof the following figure: - 2.

SECTION 149. Said section 18 of said chapter 266, as so appearing, is hereby amended by striking out, in lines 8 to 9, the words “, rifle, shotgun, machine gun, or assault weapon”.

SECTION 150. The title of section 10 of chapter 269 of the General Laws, as so appearing, is hereby amended by striking out the word “weapon” and inserting in place thereof the following word: - firearm.

SECTION 151. Section 10 of said chapter 269, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection: -
(a) Whoever, except as provided or exempted by statute, knowingly has in their possession; or knowingly has under their control in a vehicle; a firearm that is not a common long gun, loaded or unloaded, as defined in section 121 of chapter 140 without either:

(1) being present in or on their residence or place of business; or

(2) having in effect a license to carry firearms under sections 124 or 124B of chapter 140; or

(3) having complied with sections 127 and 127A of chapter 140 exempting them from firearms licensing requirements; or

(4) having complied as to possession of an air rifle or BB gun with the requirements imposed by section 12B; and whoever knowingly has in their possession; or knowingly has under control in a vehicle; a common long gun, loaded or unloaded, as defined in section 121 of chapter 140, without either:

(i) being present in or on their residence or place of business; or

(ii) having in effect a license or permit permitting the carry of common long guns under sections 124 or 124B of chapter 140; or

(iii) having complied with sections 127 and 127A of chapter 140 exempting them from firearms licensing requirements; or

(iv) having complied as to possession of an air rifle or BB gun with the requirements imposed by section 12B; shall be punished by imprisonment in the state prison for not less than 2½ years nor more than 5 years, or for not less than 18 months nor more than 2½ 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 their sentence for
good conduct until they 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 124 or section 124B of chapter 140 shall be deemed to be in violation of this section.

Section 87 of chapter 276 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 14 and 18 so charged, if the
court is of the opinion that the interests of the public require that the person 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 sections
121 to 130, inclusive, of chapter 140 which require every person not otherwise duly licensed or
exempted to have been issued a long gun permit in order to possess a firearm in their residence
or place of business.

SECTION 152. Said section 10 of said chapter 269, as so appearing, is hereby further
amended by striking out, in lines 64, 65, 86, 100, 101, 194 and 195, each time it appears, the
word “his” and inserting in place thereof, in each instance, the following word: - their.
2538 SECTION 153. Said section 10 of said chapter 269, as so appearing, is hereby further
amended by striking out, in lines 89, 91, 94-95, 138 and 200 each time they appear, the words
“two and one-half” and inserting in place thereof, in each instance, the following figure: - 2 1/2.

2539 SECTION 154. Said section 10 of said chapter 269, as so appearing, is hereby further
amended by striking out, in lines 90 and 110, each time it appears, the word “five” and inserting
in place thereof, in each instance, the following figure: - 5.

2540 SECTION 155. Said section 10 of said chapter 269, as so appearing, is hereby further
amended by striking out, in line 90, the word “six” and inserting in place thereof the following
figure: - 6.

2541 SECTION 156. Said section 10 of said chapter 269, as so appearing, is hereby further
amended by striking out, in line 9, the word “he” and inserting in place thereof the following
word: - they.

2542 SECTION 157. Said section 10 of said chapter 269, as so appearing, is hereby further
amended by striking out, in line 94, the words “fifty dollars” and inserting in place thereof the
following figure: - $50.

2543 SECTION 158. Said section 10 of said chapter 269, as so appearing, is hereby further
amended by striking out, in lines 97 and 102, each time they appear, the words “one hundred and
twenty-one” and inserting in place thereof, in each instance, the following figure: - 121.

2544 SECTION 159. Said section 10 of said chapter 269, as so appearing, is hereby further
amended by striking out, in lines 97 to 98, 99, 102 to 103, and 136 to 137, each time they appear,
the words “one hundred and forty” and inserting in place thereof, in each instance, the following figure: - 140.

SECTION 160. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 98 to 99, the words “one hundred and thirty-one” and inserting in place thereof the following figure: - 124.

SECTION 161. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 110 and 112, each time it appears, the word “seven” and inserting in place thereof, in each instance, the following figure: - 7.

SECTION 162. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 112 and 113, each time it appears, the word “ten” and inserting in place thereof, in each instance, the following figure: - 10.

SECTION 163. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 114, the word “fifteen” and inserting in place thereof the following figure: - 15.

SECTION 164. Said section 10 of said chapter 269, as so appearing, is hereby further amended by inserting, in lines 119 and 121, after the word “firearm”, each time it appears, the following words: - , feeding device, ammunition.

SECTION 165. Said section 10 of said chapter 269, as so appearing, is hereby further amended by inserting, in line 125, after the word “firearm” the following words: - , feeding device or ammunition.
SECTION 166. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 134, the words “rifle or shotgun” and inserting in place thereof the following words: - firearm or feeding device.

SECTION 167. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 136, the words “one hundred and twenty-nine B” and inserting in place thereof the following figure: - 122A.

SECTION 168. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 139, the words “five hundred dollars” and inserting in place thereof the following figure: - $500.

SECTION 169. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 140 to 141, 150 and 152, each time they appear, the words “rifle, shotgun” and inserting in place thereof, in each instance, the following words: - feeding device.

SECTION 170. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 142, the figure “129C” and inserting in place thereof the following figure: - 127B.

SECTION 171. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 153, the words “129C of chapter 140 or section 131” and inserting in place thereof the following figure: - 124.

SECTION 172. Said section 10 of said section 269, as so appearing, is hereby further amended by striking out subsection (i) and inserting in place thereof the following subsection: -
(i) Whoever knowingly fails to deliver or surrender a revoked or suspended license or permit issued under sections 124 to 125C, inclusive, of chapter 140, or receipt for the fee for such license or permit, as provided in section 123B of said chapter 140, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than 2 ½ years or by a fine of not more than $1000.

SECTION 173. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out subsection (j) and inserting in place thereof the following subsection: -

(j) (1) Whoever possesses a firearm, loaded or unloaded, as defined in section 121 of chapter 140, in a prohibited area, and knows or reasonably should know such location is a prohibited area shall be punished by a fine of not more than $1,000, imprisonment in the house of correction for not more than 2 ½ years, or both such fine and imprisonment.

(2) For the purposes of this section, “prohibited area” shall mean any of the following, including in or upon any part of the buildings, grounds, or parking areas of:

(i) a place owned, leased, or under the control of state, county or municipal government used for the purpose of government administration, judicial or court administrative proceedings, or correctional services;

(ii) a location in use as a polling place or used for the storage or tabulation of ballots;

(iii) an elementary school, secondary school, college, university or other educational institution including transport used for students of said institution and places where persons are assembled for educational purposes;
(iv) any private property, including but not limited to residential, commercial, industrial, agricultural, institutional or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a firearm with a valid and lawfully issued firearm license or permit under Chapter 140;

(3) A law enforcement officer may arrest without a warrant and detain a person found in violation of this section.

(4) It shall be a defense to a violation of this section that a person with a license or permit issued under sections 124 to 125B, inclusive, of chapter 140 solely stored the licensed firearm within the prohibited area in a vehicle in accordance with section 126B of chapter 140 or securely transport the firearm to be stored securely or within the prohibited area for lawful purposes.

(5) This section shall not apply to a law enforcement officer while in the performance of their official duties, or a security guard employed by the prohibited area while at the location of their employment and during the course of their employment.

SECTION 174. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 186 to 187, the words “seventy-five of chapter one hundred and nineteen” and inserting in place thereof the following words: - 75 of chapter 119.

SECTION 175. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 187 to 188, the words “eighty-three of chapter one hundred and nineteen” and inserting in place thereof the following words: - 83 of chapter 119.
SECTION 176. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 190, the words “one hundred and nineteen” and inserting in place thereof the following figure: - 119.

SECTION 177. Said section 10 said of chapter 269, as so appearing, is hereby further amended by striking out, in line 192, the words “eighty-three of chapter one hundred and nineteen” and inserting in place thereof the following words: - 83 of chapter 119.

SECTION 178. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 196, the words “weapon or large capacity feeding device therefor who” and inserting in place thereof the following words: - firearm and.

SECTION 179. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 197 to 198, the words “131 or 131F” and inserting in place thereof the following words: - 124 or 124B.

SECTION 180. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 201 and 204 to 205, in each instance, the words “firearm identification card” and inserting in place thereof, each time it appears, the following words: - long gun permit.

SECTION 181. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 202, the word “129B” and inserting in place thereof the following figure: - 124.
SECTION 182. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 226, the word “weapon” and inserting in place thereof the following word: - firearm.

SECTION 183. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 240, the words “, loaded sawed-off shotgun or loaded machine gun”.

SECTION 184. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 250, the words “, rifle or shotgun”.

SECTION 185. Section 10E of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 to 5, the words “rifles shotguns, machines guns, or any combination thereof,”.

SECTION 186. Said section 10E of said chapter 269, as so appearing, is hereby further amended by striking out, in line 6, the words “, rifles shotguns, machines guns, or any combination thereof”.

SECTION 187. The title of section 10F of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out the word “weapons” and inserting in place thereof the following word: - firearms.

SECTION 188. Section 10F of said chapter 269 of the General Laws, as so appearing, is hereby further amended by striking out, in line 3, the word “weapon” and inserting in place thereof the following word: - firearm.
SECTION 189. Said section 10F of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 6 to 7, the words “two and one-half years nor more than ten” and inserting in place thereof the following words: - 2 ½ years nor more than 10.

SECTION 190. Said section 10F of said chapter 269, as so appearing, is hereby further amended by striking out, in line 9, the word “five” and inserting in place thereof the following figure: - 5.

SECTION 191. Said section 10F of said chapter 269, as so appearing, is hereby further amended by striking out, in line 11, the words “two and one-half years for a first offense, nor less than five” and inserting in place thereof the following words: - 2 ½ years for a first offense, nor less than 5.

SECTION 192. Said section 10F of said chapter 269, as so appearing, is hereby further amended by striking out, in line 31, the word “weapon” and inserting in place thereof the following word: - firearm.

SECTION 193. Said section 10F of said chapter 269, as so appearing, is hereby further amended by striking out, in line 33, the word “five” and inserting in place thereof the following figure: - 5.

SECTION 194. Section 10H of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 and 3, each time it appears, the word “his” and inserting in place thereof in each instance the following word: - their.
SECTION 195. Said section 10H of said chapter 269, as so appearing, is hereby further amended by inserting, in line 4, after the figure “140,” the following words: - while with a percentage, by weight, of alcohol in their blood of eight on-hundredths or greater, or.

SECTION 196. Said chapter 269, as so appearing, is hereby amended by striking out section 10J and inserting in place thereof the following section: -

Section 10I. Transporting firearms into commonwealth for use in commission of criminal activity or to unlawfully distribute, sell, or transfer possession to prohibited person; penalty.

(a) Whoever transports a firearm into the commonwealth for use in the commission of criminal activity shall be punished by imprisonment for not less than 5 years nor more than 10 years.

(b) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or transfer possession of the firearm to a prohibited person, as defined in section 123 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 into the commonwealth to unlawfully distribute, sell or transfer the firearm to a prohibited person, as defined in section 123 of chapter 130, and if the firearm 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 197. Section 10J of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the figure “131” and inserting in place therefor the figure: - 123.
SECTION 198. Section 10K of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words “rifle, shotgun, machinegun” and inserting in place thereof the following words: - feeding device.

SECTION 199. Section 10K of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 15 to 16, the words “rifle, shotgun, machinegun” and inserting in place thereof the following words: - feeding device.

SECTION 200. Section 10K of said chapter 269, as so appearing, is hereby further amended by striking out, in line 19, the words “rifle, shotgun, machinegun” and inserting in place thereof the following words: - feeding device.

SECTION 201. Section 11 of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words “one hundred and thirty-one of chapter one hundred and forty” and inserting in place thereof the following words: - 124 of chapter 140.

SECTION 202. Said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out section 11A and inserting in place thereof the following section: -

Section 11A. Definitions

For the purposes of sections 11A to 11C, inclusive, the terms “firearm”, “serial number” and “untraceable firearm” shall have the same definition as section 121 of chapter 140.

SECTION 203. The title of section 11B of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out the words “firearm with serial or identification number removed or mutilated,” and inserting in place thereof the following words: - an untraceable firearm.
SECTION 204. Section 11B of said chapter 269 of the General Laws, as so appearing, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: - Whoever, while in the commission or attempted commission of a felony, has in their possession or under their control an untraceable firearm, shall be punished by imprisonment for not less than 2 ½ years.

SECTION 205. The title of section 11C of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out the words “Removal or mutilation of serial or identification numbers of firearms; receiving such firearm” and inserting in place thereof the following words: - Creation or receipt of an untraceable firearm.

SECTION 206. Section 11C of said chapter 269 of the General Laws, as so appearing, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence: - Whoever, by themself or with another, creates an untraceable firearm, or in any way participates in the creation of an untraceable firearm or receives a firearm with knowledge that it is untraceable, shall be punished by imprisonment for not less than 2 1/2 years.

SECTION 207. Said section 11C of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 9 to 11, the words “the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner” and inserting in place thereof the following words: - that is untraceable.

SECTION 208. Said section 11C of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 14 to 15, the words “whatever that such number had been removed, defaced, altered, obliterated or mutilated” and inserting in place thereof the following words: - that the firearm was untraceable.
SECTION 209. Said section 11C of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 19 to 20, the words “or other article”.

SECTION 210. Section 11E of said chapter 269 of the General Laws, as so appearing, is hereby repealed.

SECTION 211. Section 12D of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking, in line 30, the word “weapon” and inserting in place thereof the following word: - firearm.

SECTION 212. Section 12E of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2 to 3, the words “, a rifle of shotgun”.

SECTION 213. Said section 12E of said chapter 269, as so appearing, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentences: -

This section shall not apply to (a) the lawful defense of life and property; (b) any law enforcement officer acting in the discharge of their duties; or (c) the discharge of blank cartridges for theatrical, athletic, ceremonial, firing squad or other purposes in accordance with section 39 of chapter 148.

This section shall not apply to a dwelling or building on the same property as (a) persons using underground or indoor target or test ranges with the consent of the owner or legal occupant thereof; (b) persons using outdoor skeet, trap, target or test ranges with the consent of the owner or legal occupant of the land on which the range is established; or (c) persons using shooting galleries, licensed and defined in section 56A of chapter 140. Nothing in this section shall
exempt any persons from compliance with noise control laws, regulations, ordinances or by-laws in effect or from the prohibitions of section 58 of chapter 131.

SECTION 214. Section 12F of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the figure “131J” and inserting in place thereof the figure: - 124A.

SECTION 215. Said section 12F of said chapter 269, as so appearing, is hereby further amended by striking out, in line 12, the words “rifle, shotgun or”.

SECTION 216. Said chapter 269 of the General Laws, as so appearing, is hereby amended by inserting after section 12F the following section: -

Section 12G. Discharge of a firearm striking a dwelling or other building in use

Whoever discharges a firearm as defined in section 121 of chapter 140, with intent to strike a dwelling or other building in use, and as a result does strike such dwelling or building, shall be punished by imprisonment in the house of correction for not more than 2 ½ years, or in state prison for not more than 5 years. This section shall not apply to the lawful defense of life or property or any law enforcement officer acting in the discharge of their duties. This section shall not apply for dwellings or buildings within the property of: (a) persons using underground or indoor target or test ranges with the consent of the owner or legal occupant thereof; (b) persons using outdoor skeet, trap, target or test ranges with the consent of the owner or legal occupant of the land on which the range is established; or (c) persons using shooting galleries, licensed and defined in section 56A of chapter 140. Nothing in this section shall exempt any persons from compliance with noise control laws, ordinances or by-laws in effect or from the prohibitions of section 58 of chapter 131.
SECTION 217. Section 14 of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in line 15, the words “, rifle, shotgun, machine gun or assault weapon,”.

SECTION 218. Section 58A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words “weapon or machine gun” and inserting in place thereof the following word: - firearm.

SECTION 219. Said Section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in line 28, the word “weapon” and inserting in place thereof the following word: - firearm.

SECTION 220. Said Section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 111, 149, 159, 167, 169, 194, 197, 211, 241 and 242, each time it appears, the word “his” and inserting in place thereof, in each instance, the following word: - their.

SECTION 221. Said Section 58A of said chapter 276s, as so appearing, is hereby further amended by striking out, in line 162, the word “he” and inserting in place thereof the following word: - they.

SECTION 222. Said Section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 179 and 194, each time it appears, the word “him” and inserting in place thereof, in each instance, the following word: - them.

SECTION 223. Said Section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 173 to 178, the words “one of chapter two hundred and nine A,
or violation of a temporary or permanent order issued pursuant to section eighteen or thirty-four B of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, sections three, four or five of chapter two hundred and nine A, or sections fifteen or twenty of chapter two hundred and nine C” and inserting in place thereof the following words: - 1 of chapter 209A, or violation of a temporary or permanent order issued pursuant to section 18 or 34B of chapter 208, section 32 of chapter 209, sections 3, 4 or 5 of chapter 209A, or sections 15 or 20 of chapter 209C.

SECTION 224. Said Section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 179 and 181, each time it appears, the words “he is” and inserting in place thereof, in each instance, the following words: - they are.

SECTION 225. Said Section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 235 and 236, each time they appear, the words “fifty-eight A” and inserting in place thereof, in each instance, the following figure: - 58A.

SECTION 226. Said Section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in line 236, the word “five” and inserting in place thereof the following figure: - 5.

SECTION 227. Said Section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in line 245, the words “he was” and inserting in place thereof the following words: - they were.

SECTION 228. Section 100A of said chapter 276 of the General Laws, as so appearing, is hereby amended by striking, in line 26, the figure “131H” and inserting in place thereof the following figure: - 130D.
SECTION 229. Section 100J of said chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 17, the figure “131Q” and inserting in place thereof the following figure: - 131D.

SECTION 230. Section 25 of chapter 279 of the General Laws, as so appearing, is hereby amended by striking out, in lines 17 to 18, the words “shotgun, rifle, machine gun, or assault weapon.”.

SECTION 231. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Personalized firearm", a firearm manufactured with incorporated design technology or converted with such technology so that it: (i) allows the firearm to be fired only by the authorized user(s); or (ii) prevents any of the safety characteristics of the firearm from being readily deactivated.

“Microstamp”, a microscopic array of characters identifying the make, model, or serial number of a firearm, etched or otherwise imprinted in 2 or more places on the interior surface or the internal working parts of the firearm, that are transferred by imprinting on each cartridge case when the firearm is fired.

(b) There shall be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to study and investigate emerging firearm technology.

(c) The special legislative commission shall consist of 13 members: the chairs of the joint committee on the judiciary or their designees, who shall serve as co-chairs; the secretary of public safety and security or a designee; the colonel of the state police or a designee; 2 members
appointed by the speaker of the house of representatives; 2 members appointed by the president
of the senate; 1 member appointed by the minority leader of the house of representatives; 1
member appointed by the minority leader of the senate; 2 members appointed by the governor, 1
of whom shall be an expert in emerging firearm technologies; and 1 member appointed by the
national shooting sports foundation.

(d) The special legislative commission shall investigate and study the status, feasibility,
and utility of emerging firearm technologies, including but not limited to personalized firearm
technology and microstamp technology. The study shall include: (i) review of existing and
developing personalized firearm and microstamp technologies; (ii) investigation of the accuracy,
effectiveness and utility of personalized firearm and microstamp technologies; (iii) evaluation of
the availability of personalized firearm and microstamp technologies for commercial use, both in
the production of new firearms and modification of existing firearms; (iv) investigation of the
cost and impacts associated with requiring the use of personalized firearm or microstamp
technologies in the commonwealth; and (vi) evaluation of the feasibility and utility of a
personalized firearm technology tax incentive program.

(e) The special legislative commission shall submit a report of its study and
recommendations, together with any legislative recommendations, to the clerks of the house of
representatives and the senate on or before September 30, 2024.

SECTION 232. (a) There shall be established, pursuant to section 2A of chapter 4 of the
General Laws, a special legislative commission to study the commonwealth’s funding structure
for violence prevention services.
(b) The special legislative commission shall consist of 15 members: the chairs of the joint committee on public safety and homeland security or their designees, who shall serve as co-chairs; the secretary of public safety and security or a designee; the secretary of health and human services or a designee; 2 members appointed by the speaker of the house of representatives, 1 of whom shall be from an organization that has received a grant through the Safe and Successful Youth Initiative; 2 members appointed by the president of the senate, 1 of whom shall be from an organization that has received a grant through the Safe and Successful Youth Initiative; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of the senate; 1 member appointed by the governor who shall be from an organization involved in early child education or development; 2 members appointed by the Black and Latino legislative caucus or its successor organization; 1 member appointed by the Massachusetts association of school superintendents; 1 member appointed by the Massachusetts council of community hospitals.

(c) The special legislative commission shall: (i) examine and evaluate the existing government funding structure for violence prevention services in the commonwealth, including funding sources, initiatives and programs utilized, specific services funded, communities served, how funding decisions are made, and how service providers and programs are chosen; and (ii) recommend changes to promote efficiency, transparency, accessibility, and utility with the ultimate goal of enhancing violence prevention services and minimizing the disproportionate impact of violence in historically impacted communities.

(d) The special legislative commission shall submit a report of its study and recommendations, together with any proposed legislation, to the clerks of the house of representatives and the senate on or before September 30, 2024.
SECTION 233. Any person in possession of a valid firearm identification card on the effective date of this act may continue to possess common long guns under the terms and conditions outlined for a long gun permit in chapter 140 until renewal of said card is required.

SECTION 234. The executive office of public safety and security shall notify all individuals with licenses to carry and firearm identification cards on the effective date of this act of the requirements under sections 122 and 122A of said chapter 140 not later than 6 months after the effective date.

SECTION 235. The department of criminal justice information services shall establish the online portal described in sections 121B, 122, 122A, 122B, 124, 125A and 127B of said chapter 140 not later than 6 months after the effective date of this act.

SECTION 236. Regulations required by sections 122, 122A and 131A of said chapter 140 shall be promulgated not later than 6 months after the effective date of this act.

SECTION 237. The department of criminal justice information services shall establish its online dashboard and publish firearm data required by subsection (c) of section 122B of said chapter 140 not later than 1 year after the effective date of this act.

SECTION 238. Section 131P of the General Laws shall be repealed 1 year after the effective date of this act.

SECTION 239. Sections 122, 122A, 126 and 126A of said chapter 140 shall take effect 1 year after the effective date of this act.

SECTION 240. Subsection (i) of section 125A of said chapter 140 shall take effect 18 months after the effective date of this act. Until such time, the licensing authority shall enter, 1
time per calendar year, during regular business hours, the business premises of any licensee, and
make inquiries and inspect the licensee’s records, inventory, policies and procedures for the
purpose of enforcing the provisions of the General Laws. Licensees found to be in violation of
this chapter shall be subject to the suspension or revocation of their license to sell. Nothing
herein shall prohibit the enforcement from conducting such inspections pursuant to a valid search
warrant issued by a court of competent jurisdiction.

SECTION 241. Subsection (d) of section 131A and subsections (b) and (c) of section
131B of said chapter 140 shall take effect 6 months after the effective date of this act.