

**This is just an initial brief review of the new version of HD.4420 (now HD.4607). There is still a lot of detail to go through especially in the huge expansion of the “Red Flag” language.**

## **HD.4607**

### SECTION 19. New Definitions

- “Additive manufacturing”, a process in which material is added to produce a product, including, but not limited to 3-dimensional printing.

### SECTION 20. “Assault-style firearm”

Still uses the one feature test (semi-automatic):

- A folding or telescopic stock.
- A thumbhole stock or pistol grip.
- A forward grip or second handgrip or protruding grip that can be held by the non-trigger hand.
- A threaded barrel designed to accommodate a flash suppressor or muzzle break or similar feature.
- A shroud that encircles either all or part of the barrel designed to shield the bearer’s hand from heat, excluding a slide that encloses the barrel.
- New version only seems to remove rim fire from the expansive banned list.

### SECTION 21. Definition of “Common Long Gun”:

- Rifle or shotgun that is not a large capacity firearm and cannot produce semiautomatic or automatic fire.
- Prohibits the purchase and perhaps possession of a semi-automatic for anyone under 21.

### SECTION 27. “Large Capacity Feeding Device”

- 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.

### SECTION 28. “Large Capacity Firearm”

- That is semiautomatic that is capable of accepting a detachable large capacity feeding device when both are in the same person’s possession or under their control in a vehicle.

### SECTION 29.

- If a municipality does not have a licensing chief or officer, the applications will be handled by the State Police.

### SECTION 30. New language removes “reassembly” from manufacture definition.

### SECTION 32. Extreme expansion of people who can petition a “Red Flag”

“Petitioner”, as used in sections 131 to 131H, inclusive: the (i) family or household member; (ii) law enforcement agency or officer, as defined in section 1 of chapter 6E; (iii) 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) a principal or assistant principal of an elementary school or secondary school, or administrator of a college or university where the respondent is enrolled; or (v) employer of the respondent; that is filing the petition.

#### SECTION 33. New definition of

“Receiver”, the part of a rifle or shotgun that provides housing or a structure for the primary component designed to block or seal the breech prior to initiation of the firing sequence, even if pins or other attachments are required to connect such component to the housing or structure. Any such part that is identified with an importer’s or manufacturer’s serial number shall be presumed, absent an official determination by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice or other reliable evidence to the contrary, to be the receiver of the weapon.

#### SECTION 35. Revised definition:

“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, including in an unoccupied motor vehicle, a locked trunk not accessible from the passenger compartment, a locked console or locked glovebox.

#### SECTION 36. Definitions

“Serial number”, an identifying number placed on a firearm by a federally licensed firearms manufacturer, importer, or dealer who is authorized by federal law to serialize firearms, or a serial number issued by the director of the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice or the department of criminal justice information services.

“Serialization”, the process of conspicuously engraving, casting or otherwise permanently stamping a unique serial number on a firearm frame or receiver; provided, that 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 inches and in a print size no smaller than 1/16 inch; provided further, that 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 37. 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.

“Untraceable firearm”, a firearm that has not been serialized or a firearm whose serial or other identification number has been removed, defaced, altered, obliterated or mutilated in any manner.

#### SECTION 39 & 45. Licensing/Prohibited Persons

- Adds to the prohibited list anyone 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 (This was a Biden initiative.)
- Reasserts “suitability” shall be based on reliable, articulable, and credible information that the applicant has exhibited or engaged in behavior that suggests that, if issued a firearms license or permit.
- Suitability will not apply to a “long permit” unless the licensing authority petitions a court.

#### SECTION 40. Registration

- Mandatory registration of all guns possessed in Massachusetts – excludes nonresidents passing through, but must meet storage requirements.
- Includes privately made guns within seven days.
- 60 days if inherited.
- 7 days if imported into the state – seems to include retailer acquisition.
- If you loan someone a gun it must be reported to the state.
- Exempts common carriers.

#### SECTION 41. New requirements for serialization

- All firearms shall have a serial number in accordance with the requirements of this section.
- To meet serialization requirements all firearms shall be conspicuously engraved, cast or otherwise permanently stamped with a unique serial number on the frame or receiver
- The serial number must be placed in a manner not susceptible of being readily obliterated, altered or removed.
- Must be engraved, cast or stamped to a minimum depth of .003 inches and in a print size no smaller than 1/16 inch.
- provided further, that the 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.
- New residents moving into the commonwealth or acquired by heirs or devisees through distribution of an estate must be serialized within 60 days
- Licensed firearms dealers, gunsmiths, distributors or manufacturers must be serialized within 7 days of import or acquisition.
- No person shall manufacture or assemble a privately made firearm without obtaining a unique serial number from the department of criminal justice information services prior to manufacture or assembly.

- No person shall manufacture or assemble a privately made firearm that does not comply with all relevant state and federal safety regulations.
- All data on privately made firearms is available for data collection and tracing purposes.
- Requests for a unique serial number through the serial number request 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 to be serialized, and, if privately made, the means and manner of its production.

SECTION 42. Extensive data collection on the possession and use of guns in the state. This includes legal and illegal use.

SECTION 43. Reporting of guns used in crimes.

SECTION 48. Mandatory Firearm safety training

- Hunter Ed course valid for “long gun permit”.
- Exempts people licensed prior to June 1, 1998 from taking a course.
- Mandates a written examination.
- Safety course curriculum to include:
  - The safe use, handling and storage of firearms.
  - Methods for securing and childproofing firearms.
  - The applicable laws relating to the possession, transportation and storage of firearms.
  - Knowledge of operation, potential dangers and basic competency in the ownership and use of firearms.
  - Injury prevention and harm reduction education.
  - Active shooter and emergency response training.
  - Applicable laws relating to the use of force.
  - De-escalation and disengagement tactics.
  - Live firearms training.

Mandatory Licensing Authority Training

- Current laws, regulations and rules relating to this chapter.
- Licensing responsibilities; (iii) record keeping obligations.
- Firearm surrender, registration, and tracing.
- Electronic database use.
- Regulations prescribed by the executive office of public safety and security may include penalties for non-compliance which may include review by the Massachusetts Peace Officers Standards and Training (POST) Commission.

Mandatory Firearm Retailer Training

- Complete a dealer training program developed and offered online by the executive office of public safety and security including:
  - Uniform standards of security for business premises.
  - Employee background check and training requirements.

- Information on requirements and conditions contained in the revised laws.

#### Large Capacity Firearm

- No person shall possess a loaded firearm in a vehicle unless the firearm is under the direct control of the person.
- No person shall possess a large capacity firearm or machine gun in a vehicle unless it is unloaded and secured in a locked container.
- Exemptions for law enforcement and other government agents within their “official duties” only.

#### Safe Storage

- It shall be unlawful to store or keep any firearm in any place unless such firearm is secured in a locked container as defined in section 121 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.

#### SECTION 48. Exemptions

#### SECTION 49. Firearm Control Advisory Board – New members and duties.

- 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.
- 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 firearm control provisions of this chapter,
- Advise the executive office of public safety and security on training needs and materials for licensing authorities and licensees.

#### SECTION 50. Rosters

- Compile and publish a roster of assault-style firearms banned.
- Roster of firearms approved for sale and use in the commonwealth.
- Licensing authorities shall provide information on these rosters to all permit holders and licensees upon initial issuance and every renewal.
- Formal target shooting competitions or Olympic shooting competitions.
- The secretary may amend any roster upon their own initiative.

- A person may petition the secretary to place a firearm on, or remove a firearm from, the roster, subject to the provisions of this section.

#### SECTION 51. Assault Style Firearms

- Grandfathering for possession, but not transferring, within the commonwealth on August 1, 2024
- New pre-September 13, 1994 rules for certain guns and magazines
  - On private property owned or legally controlled by the person.
  - On private property that is not open to the public with the express permission of the owner or owner's authorized agent.
  - While on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair.
  - At a licensed firing range or sports shooting competition venue.
  - While traveling to and from these locations; provided, that the large capacity feeding device is stored unloaded and secured in a locked container.
  - A person authorized under this chapter to possess a large capacity feeding device may only transfer the device to an heir or devisee, a person residing outside the commonwealth, or a licensed dealer.

#### SECTION 52. Safety Devices

- Any firearm sold within the commonwealth must a safety device designed to prevent the discharge of such firearm by unauthorized users and approved by the colonel of state police.
- Firearms sold without a device will be considered to be defective. The sale of the firearm shall constitute an unfair or deceptive trade act or practice.
  - Any entity responsible for the manufacture, importation or sale as an inventory item or consumer good, 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.
  - Any disclaimer, limit or waiver of the liability provided under this section shall be void.
- This is a backdoor manufacturer's liability: 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.

## SECTION 54. Ballistics Expert

- 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 ammunition; 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 56. Red Flag Petitions

- 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 or ammunition;
  - (iii) identify the number, types and locations of any firearms 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 57 thru 64. Greatly expanded "Red Flag" language

### SECTION 96. Prohibited Area

- Punishment for possessing a firearm in a "Prohibited Area" by a fine of not more than \$1,000 or by imprisonment in the house of correction for not more than 2 ½ years, or both such fine and imprisonment.

#### Prohibited Area Definition

- A place owned, leased, or under the control of state, county or municipal government and used for the purpose of government administration, judicial or court administrative proceedings, or correctional services, including in or upon any part of the buildings, grounds, or parking areas thereof.
- A location in use at the time of possession as a polling place or for the storage or tabulation of ballots.
- an elementary school, secondary school, college or university including transport used for students of said institution, including in or upon any part of the buildings, grounds, or parking areas thereof.
- Any private, residential dwelling of another, not held open to the public,

unless the person in possession of the firearm

- has a valid firearms license or permit
- has been given express authorization to carry a firearm in said dwelling by the property owner or lessee, or an agent thereof;
- provided, that express authorization shall be signified by unambiguous written or verbal authorization or by the posting of clear and conspicuous signage on the building or the premises by the property owner or lessee, or an agent thereof, indicating that possession of a firearm is authorized.
- A law enforcement officer may arrest without a warrant and detain a person found in violation of this subsection.
- It shall be a defense to a violation of this subsection that a person with a license or permit issued under sections 124 to 125B, inclusive, of chapter 140 securely stored the licensed firearm in a vehicle while within the prohibited area in accordance with section 126B of chapter 140.
- Still applies to off duty law enforcement
- Nothing in this subsection shall limit the enforceability of a provision in any private rental or lease agreement restricting a party's or a tenant's possession or use of firearms on the property or in the residential dwelling, the enforceability of a restrictive covenant restricting the possession or use of firearms on the property or in the residential dwelling, or the authority of any private entity, including but not limited to, any homeowners' association, community association, planned community association, condominium



association, cooperative, or any other nongovernmental entity with covenants, bylaws or administrative rules, regulations or provisions governing the use of private property, to restrict the possession or use of firearms on private property.

SECTION 128. "Smart Gun" technology

SECTION 129. Violence prevention commission

SECTION 130. FID to Long Gun Permit transition