



# **STATE & FEDERAL LAWS, FIREARMS STORAGE**

**EACH STUDENT WILL BE FURNISHED A COPY OF THE  
LAWS & FIREARMS STORAGE SECTION OF THIS COURSE**

**Byrne Firearms Training goal:**

**Our goal is to eliminate firearms incidents or accidents by providing excellent training! To, properly train basic firearm students in person. Instruction consisting of a minimum of 4 hour's classroom time followed by firing range time in the safe loading, unloading and effective use and handling of a double action revolver and semi-automatic hand guns.**

# **LAWS & FIREARMS STORAGE**

On August 13, 2014, the Governor signed House Bill 4376, “An Act Relative to the Reduction of Gun Violence.” The full text of H4376 is available at:

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter284>.

The law:

- **Requires Massachusetts to submit more data to the federal National Instant Check System (NICS), including state commitments for alcohol and/or substance abuse, commitments for mental illness or as dangerous persons, and convictions for domestic violence cases;**
- **Allows an individual who has been committed for certain mental health reasons, for an alcohol use disorder, substance use disorder, or guardianship appointment to petition the court 5 years from the date of commitment requesting that his/her ability to possess a firearms, rifle, or shotgun be restored;**
- **Requires all Massachusetts licensed gun dealers to run criminal offender record information (CORI) checks on current and new employees;**
- **Requires all Massachusetts licensed gun dealers to post information about suicide awareness and prevention;**
- **Eliminates the requirement to obtain a firearms identification card or license to carry to purchase or possess self-defense spray, unless under the age of 18 or otherwise disqualified by law;**
- **Requires personal sales/transfers of all firearms, rifles, and shotguns to be completed through the Massachusetts Gun Transaction Portal;**
- **Expands the eligibility disqualification for firearms identification cards and licenses to carry;**
- **Allows licensing authorities to petition the district court to deny, suspend, or revoke firearms identification cards on the grounds of unsuitability;**
- **Requires that a licensing authority provide each applicant with a receipt indicating that either a new or renewal firearms license application has been received;**
- **Provides an indefinite grace period if an applicant submits a renewal application prior to the expiration of his/her current license;**

- **Eliminates the Class B license to carry firearms, though current Class B licenses to carry will remain valid until the said expiration of the license;**
- **Exempts active duty military personnel from the requirement to take a Basic Firearms Safety Course before obtaining an FID or LTC;**
- **Reduces the firearms application fee to \$25 for retired law enforcement officers;**
- **Exempts law enforcement officers from the assault weapon and large capacity feeding device ban;**
- **Changes the definition and some punishments relative to firearms trafficking crimes;**
- **Creates several new crimes involving the use of firearms, including assault and battery with a firearm and disarming a law enforcement officer;**
- **Requires all licensing authorities to trace and collect specific data on any firearm used in a crime within its jurisdiction.**

**Please call your local licensing authority or the Firearms Records Bureau (617.660.4782) should you have any questions**

**M.G.L. c. 140, § 131L makes it unlawful to store or keep any firearm, rifle or shotgun including, but not limited to, large capacity firearm, or machine gun 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 such firearm inoperable by any person other than the owner or other lawfully authorized user.**

### **Exemptions:**

**This section shall not apply to the storage or keeping of any firearms, rifle or shotgun with matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or prior to the year 1899, or to any replica of any such firearm, rifle or shotgun if such replica is not designed or redesigned for using rim fire or conventional fixed ammunition.**

**(d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a large capacity firearm or machine gun stored or kept in a place where a person under the age of 18 may have access, without committing an unforeseeable trespass, by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for not less than two and one-half years, nor more than ten years, or by both such fine and imprisonment.**

**(e) A violation of the provisions 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 firearm identification card issued under section 129B and was permitted by law to possess such firearm, and such access results in the personal injury to or the death of any person.**

**(f) This section shall not apply to the storage or keeping of any firearms, rifle or shotgun with matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or prior to the year 1899, or to any replica of any such firearm, rifle or shotgun if such replica is not designed or redesigned for using rim fire or conventional fixed ammunition.**

**Section 131 all licenses to carry firearms shall be designated Class A or Class B, and the issuance and possession of any such license shall be subject to the following conditions and restrictions:**

*[Introductory paragraph as amended by 2014, 284, Sec. 46 effective January 1, 2021 see 2014, 284, Sec. 112 for text effective until January 1, 2021, see above.]*

**The issuance and possession of a license to carry firearms shall be subject to the following conditions and restrictions:**

*[Paragraphs (a) to (c) effective until January 1, 2021 for text effective January 1, 2021, see below.]*

**(a) A Class A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority deems proper; and (ii) rifles and shotguns, including large capacity weapons, and feeding devices and ammunition therefor, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it deems proper. A violation of a restriction imposed by the licensing authority under the provisions of this paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that the provisions of section 10 of chapter 269 shall not apply to such violation.**

**The colonel of state police may, after an investigation, grant a Class A license to a club or facility with an on-site shooting range or gallery, which club is incorporated under the laws of the commonwealth for the possession, storage and use of large capacity weapons, ammunition therefor and large capacity feeding devices for use with such weapons on the premises of such club; provided, however, that not less than one shareholder of such club shall be qualified and suitable to be issued such license; and provided further, that such large capacity weapons and ammunition feeding devices may be used under such Class A club license only by such members that possess a valid firearm identification card issued under section 129B or a valid Class A or Class B license to carry firearms, or by such other persons that the club permits while under the direct supervision of a certified firearms safety instructor or club member who, in the case of a large capacity firearm, possesses a valid Class A license to carry firearms or, in the case of a large capacity rifle or shotgun, possesses a valid Class A or Class B license to carry firearms. Such club shall 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.**

**No large capacity weapon or large capacity feeding device shall be removed from the premises except for the purposes of: (i) transferring such firearm or feeding device to a licensed dealer; (ii) transporting such firearm or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shooting on the premises of another club incorporated under the laws of the commonwealth and for transporting thereto; (iv) attending 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 nationally or state recognized entity that promotes proficiency in or education about semiautomatic weapons and for transporting thereto and therefrom; (v) hunting in accordance with the provisions of chapter 131; or (vi) surrendering such firearm or feeding device under the provisions of section 129D. Any large capacity weapon or large capacity feeding device kept on the premises of a lawfully incorporated shooting club shall, when not in use, be secured in a locked container, and shall be unloaded during any lawful transport. The clerk or other corporate officer of such club shall annually file a report with the colonel of state police and the commissioner of the department of criminal justice information services listing all large capacity weapons and large capacity feeding devices owned or possessed under such license. The colonel of state police or his designee, shall have the right to inspect all firearms owned or possessed by such club upon request during regular business hours and said colonel may revoke or suspend a club license for a violation of any provision of this chapter or chapter 269 relative to the ownership, use or possession of large capacity weapons or large capacity feeding devices.**

**(b) A Class B license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry: (i) non-large capacity firearms and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of such firearm as the licensing authority deems proper; provided, however, that a Class B license shall not entitle the holder thereof to carry or possess a loaded firearm in a concealed manner in any public way or place; and provided further, that a Class B license shall not entitle the holder thereof to possess a large capacity firearm, except under a Class A club license issued under this section or under the direct supervision of a holder of a valid Class A license at an incorporated shooting club or licensed shooting range; and (ii) rifles and shotguns, including large capacity rifles and shotguns, and feeding devices and ammunition therefor, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as he deems proper. A violation of a restriction provided under this paragraph, or a restriction imposed by the licensing authority under the provisions of this paragraph, shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that the provisions of section 10 of chapter 269 shall not apply to such violation.**

**A Class B license shall not be a valid license for the purpose of complying with any provision under this chapter governing the purchase, sale, lease, rental or transfer of any weapon or ammunition feeding device if such weapon is a large capacity firearm or if such ammunition feeding device is a large capacity feeding device for use with a large capacity firearm, both as defined in section 121.**

**(c) Either a Class A or Class B license shall be valid for the purpose of owning, possessing, purchasing and transferring non-large capacity rifles and shotguns, and for purchasing and possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, consistent with the entitlements conferred by a firearm identification card issued under section 129B.**

***[Paragraphs (a) to (c) as amended by 2014, 284, Sec. 47 effective January 1, 2021 see 2014, 284, Sec. 112. For text effective until January 1, 2021, see above.]***

**(a) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow, possess and carry: (i) firearms, including large capacity firearms, and feeding devices and ammunition therefor, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority considers proper; and (ii) rifles and shotguns, including large capacity weapons, and feeding devices and ammunition therefor, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it considers proper. A violation of a restriction imposed by the licensing authority under this paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000; provided, however, that section 10 of chapter 269 shall not apply to a violation of this paragraph.**

**(b) The colonel of state police may, after an investigation, grant a license to a club or facility with an on-site shooting range or gallery, which club is incorporated under the laws of the commonwealth for the possession, storage and use of large capacity weapons, ammunition therefor and large capacity feeding devices for use with such weapons 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 weapons and ammunition feeding devices may be used under the club license only by a member that possesses a valid firearm identification card issued pursuant to section 129B or a valid license to carry firearms, or by such other person that the club permits while under the direct supervision of a certified firearms safety instructor or club member who, in the case of a large capacity firearm, possesses a valid license to carry firearms or, in the case of a large capacity rifle or shotgun, possesses a valid license to carry firearms. The club shall 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.**

**No large capacity weapon or large capacity feeding device shall be removed from the premises except to: (i) transfer the firearm or feeding device to a licensed dealer; (ii) transport the firearm or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shoot on the premises of another club incorporated under the laws of the commonwealth and to transport thereto; (iv) 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 nationally or state recognized entity that promotes proficiency in or education about semiautomatic weapons and to transport thereto and therefrom; (v) hunt pursuant to chapter 131; or (vi) surrender the firearm or feeding device pursuant to section 129D. Any large capacity weapon or large capacity feeding device kept on the premises of a lawfully incorporated shooting club shall, when not in use, be secured in a locked container and shall be unloaded during any lawful transport. The clerk or other corporate officer of the club shall annually file a report with the colonel of state police and the commissioner of criminal justice information services listing all large capacity weapons and large capacity feeding devices owned or possessed under the license. The colonel or a designee may inspect all firearms owned or possessed by the club upon request during regular business hours and the colonel may revoke or suspend a club license for a violation of this chapter or chapter 269 relative to the ownership, use or possession of large capacity weapons or large capacity feeding devices.**

**(c) A license to carry firearms shall be valid to own, possess, purchase and transfer non-large capacity rifles and shotguns, consistent with the entitlements conferred by a firearm identification card issued under section 129B.**

*[First paragraph of paragraph (d) effective until January 1, 2021 for text effective January 1, 2021, see below.]*

**(d) Any person residing or having a place of business within the jurisdiction of the licensing authority or 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 or the colonel of state police, an application for a Class A license to carry firearms, or renewal of the same, which the licensing authority or the colonel may issue if it appears that the applicant is not a prohibited person, as set forth in this section, to be issued a license and has good reason to fear injury to the applicant or the applicant's property or for any other reason, including the carrying of firearms for use in sport or target practice only, subject to the restrictions expressed or authorized under this section.**

*[First paragraph of paragraph (d) as amended by 2014, 284, Sec. 49 effective January 1, 2021 see 2014, 284, Sec. 112 for text effective until January 1, 2021, see above.]*

**(d) A person residing or having a place of business within the jurisdiction of the licensing authority or 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 or the colonel of state police an application for a license to carry firearms, or renewal of the same, which the licensing authority or the colonel may issue if it appears that the applicant is not a prohibited person as set forth in this section to be issued a license and that the applicant has good reason to fear injury to the applicant or the applicant's property or for any other reason, including the carrying of firearms for use in sport or target practice only, subject to the restrictions expressed or authorized under this section.**

**A prohibited person shall be a person who:**

**(i) has, in a court of the commonwealth, been convicted or adjudicated a youthful offender or delinquent child, both as defined in section 52 of chapter 119, for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years ; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in section 1 of chapter 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33);**

**(ii) has, in any other state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law regulating the use, possession or sale of a controlled substance as defined in said section 1 of said chapter 94C including, but not limited to, a violation of said chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33);**

**(iii) 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 that such physician or psychologist is familiar with the applicant's mental illness, alcohol or substance abuse and that in the physician's or psychologist's opinion, the applicant is not disabled by a mental illness, alcohol or substance abuse in a manner that shall prevent the applicant from possessing a firearm, rifle or shotgun; (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 a 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 of the probate court 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;

(iv) is younger than 21 years of age at the time of the application;

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

(vi) is currently subject to:

(A) an order for suspension or surrender issued pursuant to sections 3B or 3C of chapter 209A or a similar order issued by another jurisdiction; or (B) a permanent or temporary protection order issued pursuant to said chapter 209A or a similar order issued by another jurisdiction, including any order described in 18 U.S.C. 922(g)(8);

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

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

(ix) is a fugitive from justice; or

(x) Having been a citizen of the United States, has renounced that citizenship.

The licensing authority may deny the application or renewal of a license to carry, or suspend or revoke a license issued under this section if, in a reasonable exercise of discretion, the licensing authority determines that the applicant or licensee is unsuitable to be issued or to continue to hold a license to carry. A determination of unsuitability shall be based on: (i) reliable and credible information that the applicant or licensee has exhibited or engaged in behavior that suggests that, if issued a license, the applicant or licensee may create a risk to public safety; or (ii) existing factors that suggest that, if issued a license, the applicant or licensee may create a risk to public safety. Upon denial of an application or renewal of a license based on a determination of unsuitability, the licensing authority shall notify the applicant in writing setting forth the specific reasons for the determination in accordance with paragraph (e). Upon revoking or suspending a license based on a determination of unsuitability, the licensing authority shall notify the holder of a license in writing setting forth the specific reasons for the determination in accordance with paragraph (f). The determination of unsuitability shall be subject to judicial review under said paragraph (f).



**(e) Within seven days of the receipt of a completed application for a license to carry or possess firearms, or renewal of same, the licensing authority shall forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police, who shall within 30 days advise the licensing 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 for any of the foregoing reasons from possessing a license to carry or possess firearms. In searching for any disqualifying history of the applicant, the colonel shall 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. The colonel shall inquire of the commissioner of the department of mental health relative to whether the applicant is disqualified from being so licensed. If the information available to the colonel does not indicate that the possession of a firearm or large capacity firearm by the applicant would be in violation of state or federal law, he shall certify such fact, in writing, to the licensing authority within said 30 day period.**

**The licensing authority may also make inquiries concerning the 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 or is not a suitable person to possess firearms. The director or commissioner to whom the licensing authority makes such inquiry shall provide prompt and full cooperation for that purpose in any investigation of the applicant.**

**The licensing authority shall, within 40 days from the date of application, either approve the application and issue the license or deny the application and notify the applicant of the reason for such denial in writing; provided, however, that no such license shall be issued unless the colonel has certified, in writing, that the information available to him does not indicate that the possession of a firearm or large capacity firearm by the applicant would be in violation of state or federal law.**

**The licensing authority shall provide to the applicant a receipt indicating that it received the application. The receipt shall be provided to the applicant within 7 days by mail if the application was received by mail or immediately if the application was made in person; provided, however, that the receipt shall include the applicant's name and address; current license number and license expiration date, if any; the date the licensing authority received the application; the name, address and telephone number of the licensing authority; the agent of the licensing authority that received the application; the type of application; and whether the application is for a new license or a renewal of an existing license. The licensing authority shall keep a copy of the receipt for not less than 1 year and shall furnish a copy to the applicant if requested by the applicant.**

**(f) A license issued under this section shall be revoked or suspended by the licensing authority, or his designee, upon the occurrence of any event that would have disqualified the holder from being issued such license or from having such license renewed. A license may be revoked or suspended by the licensing authority if it appears that the holder is no longer a suitable person to possess such license. Any revocation or suspension of a license shall be in writing and shall state the reasons therefor. Upon revocation or suspension, the licensing authority shall take possession of such license and the person whose license is so revoked or suspended shall take all actions required under the provisions of section**

**129D. No appeal or post-judgment motion shall operate to stay such revocation or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of the department of criminal justice information services and the commissioner of probation and shall be included in the criminal justice information system. A revoked or suspended license may be reinstated only upon the termination of all disqualifying conditions, if any.**

**Any applicant or holder aggrieved by a denial, revocation, suspension or restriction placed on a license, 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 or, in the case of a restriction, any time after a restriction is placed on the license pursuant to this section, 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 was issued. If after a hearing a justice of the court finds that there was no reasonable ground for denying, suspending, revoking or restricting the license and that the petitioner is not prohibited by law from possessing a license, the justice may order a license to be issued or reinstated to the petitioner or may order the licensing authority to remove certain restrictions placed on the license.**

*[Paragraph (g) effective until January 1, 2021 for text effective January 1, 2021, see below.]*

**(g) A license shall be in a standard form provided by the executive director of the criminal history systems board in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall contain a license number which shall clearly indicate whether such number identifies a Class A or Class B license, the name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee. Such license shall be marked "License to Carry Firearms" and shall clearly indicate whether the license is Class A or Class B. The application for such license shall be made in a standard form provided by the executive director of the criminal history systems board, which form shall require the applicant to affirmatively state under the pains and penalties of perjury that such applicant is not disqualified on any of the grounds enumerated above from being issued such license.**

*[Paragraph (g) as amended by 2014, 284, Sec. 52 effective January 1, 2021 see 2014, 284, Sec. 112 for text effective until January 1, 2021, see above.]*

**(g) A license shall be in a standard form provided by the commissioner of criminal justice information services in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall contain a license number which shall clearly indicate the name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee. The license shall be clearly marked "License to Carry Firearms". The license shall provide in a legible font size and style the phone numbers for the National Suicide Prevention Lifeline and the Samaritans Statewide Helpline. The application for such license shall be made in a standard form provided by the executive director of the criminal history systems board, which form shall require the applicant to affirmatively state under the pains and penalties of perjury that such applicant is not disqualified on any of the grounds enumerated above from being issued such license.**

**(h) Any person who knowingly files an application containing false information shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than six months nor more than two years in a house of correction, or by both such fine and imprisonment.**

***[First paragraph of paragraph (i) effective until January 1, 2021 for text effective January 1, 2021, see below.]***

**(i) A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue; provided, however, that, if the licensee applied for renewal before the license expired, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. If a licensee is on active duty with the armed forces of the United States on the expiration date of the license, the license shall remain valid until the licensee is released from active duty and for a period not less than 180 days following the release; provided, however, that, if the licensee applied for renewal prior to the end of that period, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. An application for renewal of a Class B license filed before the license has expired shall not extend the license beyond the stated expiration date; provided, that the Class B license shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue. Any renewal thereof shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the effective date of such license. Any license issued to an applicant born on February 29 shall expire on March 1. The fee for the application shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth and not less than \$50,000 of the funds deposited into the General Fund shall be allocated to the Firearm Licensing Review Board, established in section 130B, 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. For active and retired law enforcement officials, or local, state, or federal government entities acting on their behalf, the fee for the application shall be set at \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of the fee, and \$12.50 of the fee shall be deposited into the general fund of the commonwealth. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the license application fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly such portion of the license application fee as is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year. For the purposes of section 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the stated date of expiration, unless such license to carry firearms has been revoked.**

***[First paragraph of paragraph (i) as amended by 2014, 284, Sec. 54 effective January 1, 2021. See 2014, 284, Sec. 112 for text effective until January 1, 2021, see above.]***

**(i) A license to carry or possess firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue; provided, however,**

that, if the licensee applied for renewal before the license expired, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. If a licensee is on active duty with the armed forces of the United States on the expiration date of the license, the license shall remain valid until the licensee is released from active duty and for a period not less than 180 days following the release; provided, however, that, if the licensee applied for renewal prior to the end of that period, the license shall remain valid after its expiration date for all lawful purposes until the application for renewal is approved or denied. Any renewal thereof shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years but not more than 6 years from the effective date of such license. Any license issued to an applicant born on February 29 shall expire on March 1. The fee for the application shall be \$100, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth and not less than \$50,000 of the funds deposited into the General Fund shall be allocated to the Firearm Licensing Review Board, established in section 130B, 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. For active and retired law enforcement officials, or local, state, or federal government entities acting on their behalf, the fee for the application shall be set at \$25, which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$12.50 of the fee, and \$12.50 of the fee shall be deposited into the general fund of the commonwealth. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit such portion of the license application fee into the Firearms Record Keeping Fund quarterly, not later than January 1, April 1, July 1 and October 1 of each year. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit quarterly such portion of the license application fee as is to be deposited into the General Fund, not later than January 1, April 1, July 1 and October 1 of each year. For the purposes of section 10 of chapter 269, an expired license to carry firearms shall be deemed to be valid for a period not to exceed 90 days beyond the stated date of expiration, unless such license to carry firearms has been revoked.

Any person over the age of 70 and any law enforcement officer applying for a license to carry firearms through his employing agency shall be exempt from the requirement of paying a renewal fee for a Class A or Class B license to carry.

(j)(1) No license shall be required for the carrying or possession of a firearm known as a detonator and commonly used on vehicles as a signaling and marking device, when carried or possessed for such signaling or marking purposes.

(2) No license to carry shall be required for the possession of an unloaded large capacity rifle or shotgun or an unloaded feeding device therefor by a veteran's organization chartered by the Congress of the United States, chartered by the commonwealth or recognized as a nonprofit tax-exempt organization by the Internal Revenue Service, or by the members of any such organization when on official parade duty or during ceremonial occasions. For purposes of this subparagraph, an "unloaded large capacity rifle or shotgun" and an "unloaded feeding device therefor" shall include any large capacity rifle, shotgun or feeding device therefor loaded with a blank cartridge or blank cartridges, so-called, which contain no projectile within such blank or blanks or within the bore or chamber of such large capacity rifle or shotgun.

**(k) Whoever knowingly issues a license in violation of this section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or by both such fine and imprisonment.**

**(l) The executive director of the criminal history systems board shall send electronically or by first class mail to the holder of each such license to carry firearms, a notice of the expiration of such license not less than 90 days prior to such expiration and shall enclose therein a form for the renewal of such license. The form for renewal shall include an affidavit in which the applicant shall verify that the applicant has not lost any firearms or had any firearms stolen from the applicant since the date of the applicant's last renewal or issuance. The taking of fingerprints shall not be required in issuing the renewal of a license if the renewal applicant's fingerprints are on file with the department of the state police. Any licensee shall notify, in writing, the licensing authority who issued said license, the chief of police into whose jurisdiction the licensee moves and the executive director of the criminal history systems board of any change of address. Such notification shall be made by certified mail within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of said license. The commissioner of criminal justice information services shall provide electronic notice of expiration only upon the request of a cardholder. A request for electronic notice of expiration shall be forwarded to the department on a form furnished by the commissioner. Any electronic address maintained by the department for the purpose of providing electronic notice of expiration shall be considered a firearms record and shall not be disclosed except as provided in section 10 of chapter 66.**

**(m) Notwithstanding the provisions of section 10 of chapter 269, any person in possession of a firearm, rifle or shotgun whose license issued under this section is invalid for the sole reason that it has expired, not including licenses that remain valid under paragraph (i) because the licensee applied for renewal before the license expired, but who shall not be disqualified from renewal upon application therefor pursuant to this section, shall be subject to a civil fine of not less than \$100 nor more than \$5,000 and the provisions of section 10 of chapter 269 shall not apply; provided, however, that the exemption from the provisions of said section 10 of said chapter 269 provided herein shall not apply if: (i) such license has been revoked or suspended, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; (ii) revocation or suspension of such license is pending, unless such revocation or suspension was caused by failure to give notice of a change of address as required under this section; or (iii) an application for renewal of such license has been denied. Any law enforcement officer who discovers a person to be in possession of a firearm, rifle or shotgun after such person's license has expired, meaning after 90 days beyond the stated expiration date on the license, has been revoked or suspended, solely for failure to give notice of a change of address, shall confiscate such firearm, rifle or shotgun and the expired or suspended license then in possession and such officer, shall forward such license 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, rifle or shotgun has been confiscated, a written inventory and receipt for all firearms, rifles or shotguns confiscated and the officer and his employer shall exercise due care in the handling, holding and storage of these items. Any confiscated weapon shall be returned to the owner upon the renewal or reinstatement of such expired or suspended license within one year of such confiscation or may be otherwise disposed of in accordance with the provisions of section 129D. The provisions of this paragraph shall not apply if such person has a valid license to carry firearms issued under section 131F.**

**(n) Upon issuance of a license to carry or possess firearms under this section, the licensing authority shall forward a copy of such approved application and license to the executive director of the criminal history systems board, who shall inform the licensing authority forthwith of the existence of any**

disqualifying condition discovered or occurring subsequent to the issuance of a license under this section.

**(o) No person shall be issued a license to carry or possess a machine gun in the commonwealth, except that a licensing authority or the colonel of state police may issue a machine gun license to:**

**(i) a firearm instructor certified by the municipal police training committee for the sole purpose of firearm instruction to police personnel;**

**(ii) a bona fide collector of firearms upon application or upon application for renewal of such license.**

**(p) The executive director of the criminal history systems board shall promulgate regulations in accordance with chapter 30A to establish criteria for persons who shall be classified as bona fide collectors of firearms.**

**(q) Nothing in this section shall authorize the purchase, possession or transfer of any weapon, ammunition or feeding device that is, or in such manner that is, prohibited by state or federal law. (r) The secretary of the executive office of public safety or his designee may promulgate regulations to carry out the purposes of this section.**

#### **Section 131L.**

**(a) It shall be unlawful to store or keep any firearm, rifle or shotgun including, but not limited to, large capacity firearms, or machine gun 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 such 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 control of the owner or other lawfully authorized user.**

**(b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun that is not a large capacity firearm, by a fine of not less than \$500 nor more than \$5,000 or by imprisonment for not more than one year, 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 \$1,000 nor more than \$10,000 or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment.**

**(c) A violation of this section shall be punished, in the case of a rifle or shotgun that is not a large capacity firearm and such firearm was stored or kept in a place where a person under the age of 18 who does not possess a valid firearm identification card issued under section 129B may have access without committing an unforeseeable trespass, by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment.**

## **Chapter 140, section 131L**

### **TRANSPORTING IN A VEHICLE:**

The law specifies how certain types of guns are to be transported.

- **Handguns under a Class A License:** “No person carrying a loaded firearm (i.e. handgun) under a Class A license to carry firearms... shall carry the same in a vehicle unless such firearm while carried therein is under the direct control of such person.” (Chapter 140, section 131C)
- **Handguns on a Class B License:** “No person carrying a firearm under a Class B license to carry firearms shall possess the same unless such weapon is unloaded and contained within the locked trunk of such vehicle or in a locked case or other secure container.” (Chapter 140, section 131C)
- **Large Capacity rifles and shotguns:** “No person possessing a large capacity rifle or shotgun under a Class A or Class B License... shall possess the same in a vehicle unless such firearm is unloaded, and contained within the locked trunk of such vehicle or in a locked case or other secure container.” (Chapter 140, section 131C)
- **Rifles and Shotguns:** “No person... shall have in his possession or under his control in or on any vehicle or aircraft a loaded shotgun or rifle. Chapter 131, section 63

### **CARRYING RIFLES OR SHOTGUNS ON A PUBLIC WAY:**

The state has enacted specific requirements for carrying a rifle or shotgun on the person on a public way.

- **Loaded guns:** Except as exempted or provided by law, no person shall carry on his person a loaded rifle or shotgun on a public way (see exemptions below).
- **Unloaded guns:** Except as exempted or provided by law, no person shall carry on his person on any public way an unloaded rifle or shotgun unless such rifle or shotgun is enclosed in a case. This subsection “does not apply to drills, parades, military reenactments or other commemorative ceremonies, color guards or memorial service firing squads, so called, as permitted by law.”
- **Exceptions:** The provisions of these sections do not apply to (i) any officer, agent or employee of the Commonwealth or any other state, or the United States (ii) any member of the military or other service of any state or the United States, including national guard, reserves and junior reserve officer training corps (iii) any law enforcement officer, agent or employee of any municipality of the commonwealth, if the persons described are authorized by a competent authority to so carry a loaded or unloaded rifle or shotgun on a public way and such person is acting within the scope of his duties or training, or (iv) a person who is lawfully engaged in hunting and is the holder of a valid hunting or sporting license. (Chapter 269, section 12D)

## **M.G.L. Chapter 140 § 131P**

### **Summary**

**M.G.L. c. 140, § 131P requires that every persons applying for a license to carry firearms, or firearms identification card attend a Basic Firearms Safety Course, or in the alternative to have received a certificate issued by the division of fisheries and wildlife pursuant to the provisions of section 14 of chapter 131, evidencing satisfactory completion of a hunting safety course.**

**The Following Persons Are Exempted for the Provisions M.G.L. c. 140, § 131P:**

*\*Also, refer to regulations 515 CMR 3.05(1) for further clarification on this issue.*

**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. Also applicants for a firearm identification card for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall not be required to complete any basic firearms safety course as a prerequisite for receiving such card.**

### **Section 131P.**

**(a) Any person making application for the issuance of a firearms identification card under section 129B, a Class A or Class B license to carry firearms under section 131 or 131F, or a permit to purchase under section 131A, who was not licensed under the provisions of this chapter on June 1, 1998, shall, in addition to the requirements set forth in said sections 129B, 131, 131A or 131F submit to the licensing authority a basic firearms safety certificate; provided, however, that a certificate issued by the division of fisheries and wildlife pursuant to the provisions of section 14 of chapter 131, evidencing satisfactory completion of a hunting safety course, shall serve as a valid substitute for a basic firearms safety certificate required under this section; and provided further, that any applicant for a firearm identification card for the sole purpose of purchasing or possessing chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate shall not be required to complete any basic firearms safety course as a prerequisite for receiving such card. 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 firearm identification card**



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 shall promulgate rules and regulations governing the issuance and form of basic firearms safety certificates required by this section. Said colonel shall certify certain persons as firearms safety instructors and shall certify safety course curriculum. Such certification shall be for a period of ten 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 the provisions of 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; and (d) knowledge of operation, potential dangers and basic competency in the ownership and usage of firearms.**

**(c) Any firearms safety instructor certified under the provisions of 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. Instructors certified under the provisions of this section shall forward to the department of state police the names of those persons who have received basic firearms safety certificates. Local licensing authorities, as defined in section 121, shall, upon receipt of an application for a firearm identification card or a Class A or Class B license to carry firearms, make inquiry to the department of state police to confirm the issuance to the applicant of a basic firearms safety certificate.**

**(d) Any person applying for licensure under the provisions of 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 two 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 two years in a house of correction, or by both such fine and imprisonment**

## **U.S. FEDERAL FIREARMS REGULATIONS REFERENCE GUIDE, TITLE 18, CHAPTER 44 – FIREARMS: Title 18 Chapter 44**

***Straw Purchase, knowingly purchasing a firearm on behalf of a restricted person***

***Unlawful transport of firearm by non-licensed dealer, importer, manufacturer, or collector***

***Unlawful transfer of a firearm to restricted person***

***Unlawful Possession of a firearm by restricted person***

***Unlawful possession of a firearm in a school zone***

**Firearms are prohibited in a school zone**

**Straw Purchase - The person shall be fined as provided in this title, imprisoned not more than 10 years, or both. (felony offense)**

**Unlawful transport of firearm by non-licensed dealer, importer, manufacturer, or collector -  
The person shall be fined under this title, imprisoned not more than 5 years, or both. (felony offense)**

**Unlawful transfer of a firearm to a restricted person - The person shall be fined as provided in this title, imprisoned not more than 10 years, or both. (felony offense)**

**Unlawful possession of a firearm by a restricted person - The person shall be fined as provided in this title, imprisoned not more than 10 years, or both. (felony offense)**

**Unlawful possession of a firearm in a school zone – The person shall be fined under this title, imprisoned not more than 5 years or both. (felony offense)**

**Interstate transportation of firearms**

- 1. Not prohibited from transporting, shipping or receiving**
- 2. For any lawful purpose, shall be entitled to carry from one place to another**
- 3. Firearm must be unloaded**
- 4. Firearm and ammunition not to be readily accessible or directly accessible from the passenger compartment.**
- 5. Firearm and ammunition contained in a locked container other than glove compartment or console**

**Possession of firearms and dangerous weapons in federal facilities**

- 1. Knowingly possess or cause to be present a firearm or other dangerous weapons in a federal facility other than a federal court facility or attempt to do so shall be fined under this title or imprisoned not more than 1 year or both.**
- 2. With intent to use a firearm or dangerous weapon in the commission of a crime, knowingly possess or causes to be present such firearm or dangerous weapons in a Federal facility, or attempts to do so shall be fined under this title or imprisoned not more than 5 years, or both.**
- 3. Knowingly possess or cause to be present a firearm in a Federal court facility, or attempts to do so, shall be fined under this title, imprisoned not more than 2 years or both.**
- 4. Federal facility defined: A building or part thereof owned or leased by the federal government, where federal employees are regularly present for the purpose of performing their official duties.**
- 5. Federal court facility: The courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the parole offices, and adjoining corridors of any court of the United State**
- 6. Exemptions: (Firearm Possession Allowed)**

- a. Lawful performance of official duties by officer, agent, or employee of the United States, a state, or political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law**
- b. Possession of a firearm or other dangerous weapons by a federal official or member of the armed forces if such possession is authorized by law; or**
- c. The lawful carrying of firearms or other dangerous weapons in a federal facility incident to hunting or other lawful purpose.**

### **Castle Doctrine, *Defense in one's dwelling***

**In the prosecution of a person who is an occupant of a dwelling charged with killing or injuring one who was unlawfully in said dwelling, it shall be a defense that the occupant was in his dwelling at the time of the offense and that he acted in the reasonable belief that the person unlawfully in said dwelling was about to inflict great bodily injury or death upon said occupant or upon another person lawfully in said dwelling, and that said occupant used reasonable means to defend himself or such other person lawfully in said dwelling. There shall be no duty on said occupant to retreat from such person unlawfully in said dwelling. The purpose of 501 CMR 9.00 is to establish a process for the replacement of a lost or stolen firearm identification card or license to carry at no cost to the licensee.**

### **Lost or Stolen Firearm Identification Card or License to Carry**

**In the case of a lost or stolen firearm license issued pursuant to the provisions of M.G.L. c 140, §§ 129B, 131, 131F or 131H, the licensing authority shall issue a new license at no cost to the license holder. A person seeking a license under 501 CMR 9.00 must have an active and valid license and must have reported such license lost or stolen to the Criminal History Systems Board and to the local issuing licensing authority prior to seeking a new license. In connection with an application for a new license to replace the lost or stolen license, the licensing authority shall confirm the applicant's identity and update its files as the licensing authority deems necessary prior to issuing a new license. The licensing authority, in consultation with the Criminal History Systems Board, shall issue a new license with a term coterminous with the original license period.**

## **Severability Clause**

**If any article, section, subsection, sentence, clause or phrase of 501 CMR 9.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Secretary of Public Safety or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 501 CMR 9.00.**

## **REGULATORY AUTHORITY**

**501 CMR 9.00: M.G.L. c. 140, § 131(r)**

## **Large Capacity Feeding Device**

**Section 131M. No person shall sell, offer for sale, transfer or possess an assault weapon or a large capacity feeding device that was not otherwise lawfully possessed on September 13, 1994. Whoever not being licensed under the provisions of section 122 violates the provisions of this section shall be punished, for a first offense, by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than one year nor more than ten years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than \$15,000 or by imprisonment for not less than five years nor more than 15 years, or by both such fine and imprisonment. The provisions of this section shall not apply to: (i) the possession by a law enforcement officer; or (ii) the possession by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving such a weapon or feeding device from such agency upon retirement.**

## **Private Firearms Sale**

**Section 128B** any resident of the commonwealth who purchases or obtains a pistol, rifle, shotgun or machine gun from any source within or without the commonwealth, other than from a licensee under section one hundred and twenty-two or a person authorized to sell firearms under section one hundred and twenty-eight A, and any nonresident of the commonwealth who purchases or obtains a firearm, rifle, shotgun or machine gun from any source within or without the commonwealth, other than such a licensee or person, and receives such firearm, rifle, shotgun or machine gun, within the commonwealth shall within seven days after receiving such firearm, rifle, shotgun or machine gun, report, in writing, to the commissioner of the department of criminal justice information services the name and address of the seller or donor and the buyer or donee, together with a complete description of the firearm, rifle, shotgun or machine gun, including the caliber, make and serial number. Whoever violates any provision 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 ten years

## **Ammunition Sale**

**Section 122B.** No person shall sell ammunition in the commonwealth unless duly licensed. The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation into the criminal history of the applicant to determine eligibility to be licensed under this section, grant a license to any person, except an alien, a minor, a person who has been adjudicated a youthful offender, as defined in section fifty-two of chapter one hundred and nineteen, including those who have not received an adult sentence or a person who has been convicted of a felony in any state or federal jurisdiction, or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell ammunition. Every license shall specify the street and number, if any, of the building where the business is to be carried on. The licensing authority to whom such application is made shall cause one copy of the application to be forwarded to the commissioner of the department of criminal justice information services, who shall within a reasonable time thereafter advise such authority in writing of any criminal record disqualifying the applicant. The fee for an application for a license to sell ammunition shall be \$100, which shall be payable to the licensing authority and shall not

be prorated or refunded in case of revocation or denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund. The licensing authority to whom such application is made shall cause one copy of any approved application to be forwarded to the commissioner of the department of criminal justice information services.

Any 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, in behalf of said club, be issued to and exercised by an officer or duly authorized member of the club who himself possesses a firearm identification card or a license to carry a firearm and who would not be disqualified to receive a license to sell ammunition in his own right. The licensing authority may revoke or suspend a license to sell ammunition for violation of any provision of this chapter.

The secretary of the executive office of public safety may establish such rules and regulations as he may deem necessary to carry out the provisions of this section.

Any person refused a license under this section or once issued a license under this section has had said license suspended or revoked may obtain a judicial review of such refusal, suspension or revocation by filing within thirty days of such refusal, suspension or revocation a petition for review thereof in the district court having jurisdiction in the city or town in which the applicant filed for such license, and a justice of said court, after a hearing, may direct that a license be issued the applicant if satisfied there was no reasonable ground for refusing such license and that the applicant was not prohibited by law from holding the same.

Whoever not being licensed, as hereinbefore provided, sells ammunition within the commonwealth shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not less than six months not more than two years.

## **FREQUENTLY ASKED QUESTIONS**

### **Writing a Letter to your Police Chief**

Sometimes, an applicant for a new or renewal license to carry a firearm is asked to write a letter to their Police Chief regarding the “reason for issuance” requested on their license.

#### ***Q. What should you put on your letter?***

***A.*** Each city and town is looking for slightly different information. There is no one effective format that will always work across the state in other words there are no guaranteed formula letters. But effective letters typically address the same three subjects areas:

- 1. Your reasons for wanting the license you may wish to use as an opening phrase that you have “reason to fear injury to your person or property”, and go on to explain why you personally have that reason. That is a phrase directly out of the law (Chapter 140, section 131). It is the only**

reason mentioned in the law, which also implies that it is the opposite of a license issued for target practice only.

2. Facts testifying to your stability of character think of the opening paragraph of a cover letter to a resume, and you can envision the kind of character reference necessary. Perhaps how long you've lived in the town, how long you've had a license without incident, or perhaps your community service would be applicable here.
3. Your experience in handling firearms, detail the training you have had, or even the training you intend to take. If you have been active in firearms competition, mention it.

*Remember that many police chiefs who request these letters are essentially looking for reassurance that you will not be an embarrassment to them in the future. A well-written letter can send that encouraging message.*

## **APPLYING FOR A LICENSE TO CARRY OR FID**

In Massachusetts, in order to lawfully purchase or possess a large capacity handgun, shotgun or rifle, a person must have a License to Carry Firearms ("LTC").

*Q. What are the standards for issuance?*

**A. LTC License will be issued at the discretion (by choice) of the local Licensing Authority to residents of the Commonwealth. Licenses will be refused to a person who:**

- Has ever been adjudicated a youthful offender, or convicted as an adult of: a felony, a misdemeanor for which you could have received a sentence of imprisonment for more than two years (which includes OUI after July 1994), a "violent crime," a violation of a gun law for which jail time could have been imposed, or a violation of a drug law;
- Has been confined to a hospital or institution for mental illness, or a person who has been under treatment for or confinement for drug addiction or habitual drunkenness, unless submitted with an affidavit from a physician;
- Is the subject of a restraining order;
- Is under, 21 years of age; **15 YEARS OLD FOR FID WITH PARENT PERMISSION**
- Is an alien; or
- Is the subject of an outstanding warrant in any state or federal jurisdiction

*Q. Where do I apply?*

**A. At the police department in the city or town in which you live or have a place of business.**

*Q. What can I expect for the application procedure?*

**A. You will be required to fill out a standard application, be fingerprinted and photographed (or supply photos of a specific size). You can also expect to be interviewed. Each license is valid for up to six years and will expire on your birthday, and will cost \$100.00. Because the law does not forbid the**



licensing authority from asking for extra items, applicants in some towns are asked to provide any of the following items: utility bills to prove residency, birth certificates to prove citizenship, letters of reference, a note from a doctor, or a letter documenting the reason for the license application.

***Q. What are the classes of licenses?***

**A. A license to carry firearms will cover purchases and possessions of all handguns, rifles and shotguns, including those now considered “large capacity.” An FID Card will cover some rifles and shotguns. An FID card does not permit the holder to carry a handgun, rifle or shotgun concealed or loaded on a public way. (Generally, a handgun or rifle is large capacity if it can hold more than ten rounds of ammunition, a shotgun if it can hold more than five shot shells.)**

***Q. Are there any restrictions on these licenses?***

**A. According to the law, Licenses will be issued for “all lawful purposes.” However, a licensing authority is allowed to impose any restrictions on the “possession, use and carrying” a firearms as he deems proper. The penalty for not complying with the restrictions is a fine of \$1,000 to \$10,000.**

**Q. I am in the military do I have to take a basic pistol safety course?**

***A. Active Military are exempt from the requirement of a training course.***

***Q. Will I have to take a training course?***

**A. The law requires all persons not holding a license to carry as of June 1, 1998 to provide a basic firearms safety certificate. Future license renewals are exempt by law from this requirement.**

***Q. How long does the application process take?***

**A. The local police department must send your fingerprints to the Colonel of the State Police within seven days of application; the Colonel has thirty days to respond. The license cannot be issued until the Colonel’s office has ok’d it. The procedure takes from two to six weeks.**

***Q. What if I am denied, even though I meet the standards in the law?***

**A. The law says you can appeal a suspension, revocation or denial of a license by filing a petition for judicial review in district court within 90 days. The law also says that if you do not get a license within 40 days from your date of application, you can assume you are denied and go to court. The court will expect you to prove that the Chief’s decision to deny you was “capricious” or “arbitrary”. Chapter 150 of the Acts of 2004 created a Firearms Review Board to review the cases of persons disqualified by misdemeanor convictions, and to vote on whether to restore the firearms rights of persons otherwise disqualified.**

- **Although a person with an LTC is technically eligible to carry a firearm for protection, he or she may still be denied that elemental right through changes in the “reason for issuance”. What is The**

**“Reason for Issuance” On a License to Carry a Firearm? A Massachusetts license to carry a firearm is issued “subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority deems proper”. On the back of the license to carry a firearm form is a blank field entitled “reason for issuance”. Most chiefs use this spot to indicate what restrictions they are choosing to place on the user. A license issued without restrictions is issued “for all lawful purposes”, as the law suggests. The law does not give any definitions of types of restrictions that may be placed on the license. With no clear written guidance, the citizen is left to guess. Thus a citizen that is issued a License to carry “target and hunting” knows that the chief does not want him or her carrying a gun for protection!**

**But does that mean the license holder must travel with the firearm unloaded and locked in a trunk? A person issued a license for “employment only” must wonder whether he or she may carry a firearm on their way to and from work. The danger for the citizen is the penalty for carrying outside the chief’s wishes, with a penalty of license suspension or revocation, and a fine of \$1,000 to \$10,000.**

## **LTC and FID Denial Page**

**Every citizen of the State of Massachusetts has the right granted to them by the 2<sup>nd</sup> Amendment of The Constitution to keep and bear arms. If you have a clean mental health and criminal history there is no reason for any citizen in Massachusetts to be denied these given rights.**

**The law says you can appeal a suspension, revocation or denial of a license by filing a petition for judicial review in district court within 90 days. The law also says that if you do not get a license within 40 days from your date of application, you can assume you are denied and go to court. The court will expect you to prove that the chief’s decision to deny you was “capricious” or “arbitrary”.**

**If your reason for denial is not on this page you can petition the state Firearms Licensing Bureau.**

**\*please note, sealed records are opened by the CHSB during the firearms license review process.**

**Note: A “suitable person” in the eyes of the chief can be appealed in district court. The chief shall issue a card to any person who meets the eligibility criteria.**

## **Felony conviction as a juvenile**

- 1. Five years from the end of parole, probation or conviction or adjudication, whichever is last occurring, Important note: a person with an FID card, who is not eligible to receive a License to carry a firearm, is considered ineligible to own a gun by the federal government and cannot purchase rifles, shotguns or ammo from a dealer. Basically this means that you cannot purchase, or possess a firearm or ammunition of any type. This FID card would only let you carry pepper spray (mace).**
- 2. A violent crime is any “crime which could have been punished by a term exceeding one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon that would be**

**punishable by imprisonment for such term if committed by an adult, that (i) has an element the use, attempted use or threatened use of physical force or a deadly weapon against the person of another (ii) is burglary, extortion, arson or kidnapping; (iii) involves the use of explosives; or (iv) otherwise involves conduct that presents a serious risk of physical injury to another.” This definition includes simple “assault” “assault and battery” and “burglary”.**

- 3. A Firearms Licensing Review Board has been established to review cases of individuals convicted of certain misdemeanors (though not domestic assault cases). The Board has the authority to restore a person’s firearm rights, see below for instructions.**

## **How to appeal a denial**

**It is important that you understand that the Firearms Licensing Board (FLRB) has the authority to review only misdemeanor convictions, and that the FLRB may not review, convictions for:**

- a) An assault or battery on a family or household member, or a person with whom you have had a substantive dating relationship, as defined by G.L. c209A, 1;**
- b) A crime involving use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or**
- c) A crime regulating the use, possession or sale of controlled substances.**

**In addition, the statute specifies that the FLRB may not review a petition if the petitioner:**

- a) Has a disqualifying felony conviction;**
- b) Has multiple misdemeanor convictions, unless the offenses arise from one incident;**
- c) Was denied a license to carry on the basis of suitability rather than a disqualifying conviction (the District Court is the appropriate forum for appeal in this case); or**
- d) Is disqualified for a reason other than a misdemeanor conviction, such as having an active warrant or restraining order.**

**Finally, the FLRB may not review a petition until after the passage of five (5) years since the misdemeanor conviction or release from supervision, whichever is last occurring.**

**Please be advised that the FLRB will review your criminal history as a result of the filing of this petition.**

**Should your petition be eligible for review, you will be notified in writing of a hearing date. At the hearing you will have the opportunity to appear and/or submit documentary and testimonial evidence in support of your petition. The FLRB requests that you submit all documents that you wish it to consider prior to the hearing date to ensure a timely review. As required by the statute, you bear the burden of proof by clear and convincing evidence that you are a suitable person to receive a firearm identification (FID) card or a license to carry (LTC) notwithstanding the disqualifying conviction.**

**We have included a list of documents (see below) which we recommend that you include with your petition. While it is not necessary to retain the services of an attorney to represent you at the hearing, you should feel free to do so if you so choose.**

**Please note that if your petition is successful, and the FLRB determines that you are a suitable candidate for a LTC or an FID card relative to the misdemeanor conviction, you must still apply to your local police chief for the LTC or FID card, and the final determination on issuing is made by the licensing authority.**

**To file a petition with the Firearm Licensing Review Board to start the review process, please forward:**

- 1. The completed petition;**
- 2. The required \$100.00 filing fee (payable to the Commonwealth of Massachusetts);**
- 3. A copy of a current or previous application for an LTC or FID card, as filed with your local licensing authority;**
- 4. Any documentation which will assist the FLRB in making its determination;**
- 5. A list of witnesses, if any, that you want to have testify on your behalf;**
- 6. Notice that you request the services of a stenographer to produce a verbatim transcript of the hearing, if you wish to have these services available. (Please note that the hearing is digitally recorded by CHSB, but that the petitioner is responsible for the cost of a stenographer's services.)**

**All information should be sent to the: Firearm Licensing Review Board Criminal History Systems Board 200 Arlington St., Suite 2200 Chelsea, MA 02150**

**Please be sure to have your signature on the petition notarized. Should you have any questions regarding this application or the supporting documentation, please contact the Criminal History Systems Board at 617-660-4780, or visit our web site at [www.mass.gov/chsb/frb](http://www.mass.gov/chsb/frb), for more information**

**Recommended Supporting Documentation:**

- 1. A written statement, including specific proof and/or examples that demonstrate by clear and convincing evidence, your suitability to possess an FID or LTC. If you have additional criminal charges that did not result in a conviction, these also may be addressed in the statement.**
- 2. A certified copy of the criminal conviction(s) that disqualifies you from being eligible to have a FID or LTC (*you can obtain this from the trial clerk's office of the courthouse in which you were convicted*).**
- 3. A list of witnesses, if any, that you plan on calling at the hearing to testify, specifying each witness's full name, address and date of birth.**
- 4. You may also include additional information, including certificates of training or education that you believe may be important for the FLBR to consider (i.e. firearm safety courses, letters of commendations, honorable military discharge, etc.). In order to meet the evidentiary requirements at the hearing you will need to ask that the keeper of the records authenticate that the documents are true and accurate and kept in the usual course of business.**
- 5. You may include letters of recommendation, including from your local police chief.**

6. The arrest report pertaining to the conviction may be submitted. You may obtain a copy of the arrest report from the police department that investigated the case. You will need to ask that the police department certify that the report is an official business record pursuant to G.L. c 233, 78. The police department may need to redact information that is confidential by statute prior to giving you the report. This documentation is especially important if you have been convicted of assault and battery, so that you may demonstrate to the FLRB that the assault is not domestic in nature.

## **Clarification of Reasons for Denial of a License to Carry Firearms or Firearms Identification Card**

**Felony conviction as an adult is a permanent ineligibility.**

**Ineligibility waived after five years.**

**Conviction under any law regulating the use, possession or sale of controlled substances as defined in Section 1 of Chapter 94C. Permanent ineligibility. Permanent ineligibility only for trafficking in controlled substances; otherwise ineligibility waived after five years.**

**Confinement to a hospital or institution for mental illness. Ineligibility waived with physician's affidavit.**

**Being the current subject of restraining order (209A). Ineligible while order is current.**

**Not a "suitable person" in the eyes of the chief. Can be appealed in district court. N/A, the chief shall issue a card to any person who meets the eligibility criteria.**

**Felony conviction as a juvenile. permanent ineligibility. Ineligibility waived after five years.**

**Conviction of a misdemeanor punishable by imprisonment for more than two years (includes conviction for OUI after May 27, 1994). permanent ineligibility. Ineligibility waived after five years.**

**Conviction of a "violent crime" Permanent Ineligibility.**

**Conviction under any law relating to weapons or ammunition for which imprisonment may be imposed, Permanent ineligibility.**

**Past or current treatment for drug addiction or habitual drunkenness. Ineligibility waived after 5 years from treatment with physician's affidavit.**

**Being the subject of an outstanding arrest warrant in any state or federal jurisdiction. Ineligible with outstanding warrants.**

1. Five years from the end of parole, probation or conviction or adjudication, whichever is last occurring. Important note: a person with an FID Card, who is not eligible to receive a License to carry a firearm, is considered ineligible to own a gun by the federal government and cannot purchase rifles, shotguns or ammo from a dealer.
2. A violent crime is any "crime which could have been punished by a term exceeding one year, or any act of juvenile delinquency involving the use or possession of a deadly weapon that would be punishable by imprisonment for such term if committed by an adult, that (i) has an element the use, attempted use or threatened use of physical force or a deadly weapon against the person of another (ii) is burglary, extortion, arson or kidnapping; (iii) involves the use of explosives; or (iv) otherwise involves conduct that presents a serious risk of physical injury to another." This definition includes simple "assault and battery" and "burglary".
3. A Firearms Licensing Review Board has been established to review cases of individuals convicted of certain misdemeanors (though not domestic assault cases). The Board has the authority to

restore a person's firearm rights. For more information contact, the Criminal History Systems Board at 617-660-4782.

## **Know your rights!**

### **Surrender/Confiscation Fact Sheet**

#### ***Most common reasons why your firearms are confiscated;***

- 1. Denial of application**
- 2. Revocation of License/Card**
- 3. 209A Restraining Order**

#### ***Revocation information (M.G.L. 140c 129B)***

- 1. Any revocation or suspension of your LTC/FID has to be in writing and will state the reasons.**
- 2. Upon revocation or suspension, the licensing authority will take possession of your LTC/FID and will give you a receipt for fees paid for your LTC/FID. The person whose card is revoked or suspended must take all action required by section 129D (see below)**
- 3. Revocations and suspensions cannot be delayed by appeal. A revoked or suspended card may be reinstated only after the cause of the revocation/suspension has been lifted/cleared.**
- 4. If you believe the revocation or suspension to be unjust or in error, you have 90 days within the receipt of the notice to file a petition for review in the district court that has jurisdiction of the town in which you are licensed. After the hearing, a justice of the court may re-instate your LTC/FID if the justice finds that you are not prohibited by law from possessing an LTC/FID.**

#### ***Surrender/Confiscation of Firearms Information (M.G.L. 140c 129D)***

- 1. If you receive a notice of revocation or suspension you must surrender your firearms, rifles, shotguns, ammunition, and FID/LTC card immediately to the licensing authority in the city or town that you live in.**
- 2. Your rights after you have surrender or confiscation. (i) After delivery you have one year to transfer your firearms, rifles, shotguns, machine guns, and ammunition to any person legally permitted to possess them, including a licensed FFL or YOUR CHOICE. (ii) Once your firearms and ammunition have been surrendered or confiscated, immediately write and deliver a letter to them with instructions as to where they are going to be transferred. The licensing authority must deliver the firearms/ammunition within ten days of receipt of your letter.**
- 3. The licensing authority, after taking possession of your firearm, rifle, shotgun, machine gun or ammunition may transfer possession for storage purposes to a federally and state licensed dealer**

who operates a bonded warehouse unless the firearm, rifle, shotgun, machine gun or ammunition is believed to be evidence linked to a crime, in which case the licensing authority will keep possession. Very important in order to avoid the costly fees of having your weapons stored in a bonded warehouse, make sure that you immediately deliver your letter with instructions for transfer to your licensing authority (see above).

4. Any dealer that takes possession of a weapon under the provisions of this section shall; (i) inspect such weapon; (ii) issue to the owner a receipt indicating the make, model, caliber, serial number and condition of each weapon so received; and (iii) store and maintain all weapons 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.
5. Having your firearms and ammunition stored in a bonded warehouse can get very expensive. You will be responsible for paying all storage, handling, and processing fees before you can get them out or have them transferred. This is why delivering your letter with transfer instructions to your licensing authority immediately is so important. Once your licensing authority has your letter they must transfer the firearms/ammunition to your legally designated person, instead of the bonded warehouse.
6. If you leave your firearms and ammunition in a bonded warehouse fees will pile up very quickly and will often times total more than they are worth. You only have one year to get your firearms and ammunition out of the bonded warehouse, after one year they can and will sell them and will only reimburse you the amount of the sale minus the various fees. As stated, often times these fees add up to as much or more than the firearms and ammunition are worth. Be sure to not let your firearms make it to the bonded warehouses! Also, if you let your due storage fees get more than 90 days late, they can legally sell your firearms and ammunition! Know your rights, do not let this happen!

### ***Surrender/Confiscation due to 209A Restraining Order***

1. If somebody files a restraining order on you AND if the person filing the restraining order convinces the court that you are likely to abuse or harm them you will need to immediately surrender your firearms, ammunition, LTC/FID Card etc. to your licensing authority. Also, the surrendered or confiscated firearms, ammunition, etc. can only be transferred to a licensed FFL, and not a "duly authorized person". (This is what differentiates a 209A suspension/revocation from any other.)
2. Once somebody files a restraining order on you, law enforcement officials will immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, and LTC/FID that you possess, often times through confiscation at your place of residence.
3. Any violation of such orders shall be punishable by a fine of not more than \$5000.00, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment.
4. If you feel the restraining order is in error or unjust you may petition the court which issued the order to surrender for a review. ***The court must hear your plea within ten days of filing. If your***

employment requires the possession of a firearm or ammunition the court must hear your plea within two days of filing.

## **Massachusetts CCW Reciprocity Map**

### **States that Honor Massachusetts's CCW Permit:**

**Alaska, Arizona, Idaho, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, Montana, North Carolina, Oklahoma, South Dakota, Tennessee, Texas, Utah\*, Vermont\***

**MASSACHUSETTS DOES NOT ACCEPT ANY OTHER STATES LTC!**

### ***Frequently Asked CCW Questions:***

**Is a license required to possess an air gun (i.e. bb or pellet guns, so-called air rifles or air pistols, paint ball guns) or ammunition therefore (i.e. bb's, pellets, CO2 cartridges, paint balls)?**

**An FID Card is not required to possess an air gun in Massachusetts. Air guns are regulated by M.G.L. c. 269, 12B which limits their use by minors who are not accompanied by an adult, holding a sporting or hunting license, or holding a permit from the chief of police. Massachusetts law also prohibits anyone from discharging air rifles from across streets, alleys, public ways or railroads or railway right of ways. It should also be noted that an FID Card or an LTC are not required to purchase an air gun or ammunition. As such, the state FA10 form should not be used to record the sale of such air guns.**

**Can a nonresident obtain a permit to carry a weapon in Massachusetts?**

**M.G.L. c. 140, 131F allows the Colonel of the State Police or his designee to issue a temporary LTC to nonresidents or persons not falling within the jurisdiction of a local licensing authority. Currently, the Firearms Record Bureau (FRB) has been designated to issue permits to nonresidents. The phone number of the FRB is (617) 660-4780.**

**Do I need an FID Card or an LTC Firearms to possess a gun in my home?**

**Yes. At a minimum you need an FID Card for non-large capacity rifles and shotguns. For handguns you need either an LTC, or an FID Card combined with a Permit to Purchase firearms for the particular handgun in question.**

**Should a valid holder of an LTC renew their FID Card based upon notification from the Criminal History Systems Board that the FID Card is about to expire?**

**Not necessarily. An individual with an LTC is not required to maintain an FID Card also, although an individual may hold both. An LTC permits the holder to possess any weapon which would be allowed with an FID Card, as well as additional weapons depending on the Class of License.**

**Massachusetts General Law c.140, 128A and 128B, require all individuals who sell, transfer, inherit, or lose a firearm to report the sale, transfer, inheritance, or loss of the firearms to the Department of Criminal Justice Information Services Firearms Records Bureau (FRB). This online system will allow you to report the sale, transfer, inheritance, or loss/theft data electronically to the FRB.**



***How many guns a year can a person sell without being a dealer?***

**Under M.G.L. c 140, 128A a properly licensed resident who is not a dealer may sell up to four guns in any one calendar year through a private transfer of ownership.**

***Do weapons purchased by Massachusetts residents while in another state have to be reported in Massachusetts?***

**M.G.L. c 140, 128A and 128B, residents who purchase from someone other than a Massachusetts dealer, either within or outside the Commonwealth, must report the purchase within seven days to the FRB. On the EFA10 form, which can be obtained online through the FRB, this is the simplest way to make such a report.**

***Are stun guns legal in Massachusetts?***

**STUN GUNS: Are Illegal in Massachusetts. Laws of Massachusetts. Chapter 140. Sale of Firearms. Section 131J: Sale or possession of electrical weapons; penalties. Section 131J. No person shall sell, offer for sale or possess a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure or kill. Whoever violates this provision of this section shall be punished by a fine of not less than five hundred nor more than one thousand dollars or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or both. SUMMARY: Possession and sales of Stunning Devices are banned in Massachusetts.**

## **Flying with Firearms & Ammunition**

**Travelers may only transport UNLOADED firearms in a locked, hard-sided container in or as checked baggage. All firearms, ammunition and firearm parts, including firearm frames and receivers, are prohibited in carry-on baggage.**

**Firearm possession laws vary by state and locality. Travelers should familiarize themselves with state and local firearm laws for each point of travel prior to departure.**

**Airlines may have additional requirements for traveling with firearms and ammunition. Travelers should also contact the airline regarding firearm and ammunition carriage policies.**

**Also, please note that other countries have different laws that address transportation and possession of firearms. If international travel is planned traveling internationally, check the regulations of the destination country to ensure compliance with their requirements.**

**There are certain limited exceptions for law enforcement officers who may fly armed by meeting the requirements of Title 49 CFR 1544.219. Law enforcement officers should read policies on traveling with guns.**

**Failure to adhere to the following regulations will preclude passengers from traveling with firearms, ammunitions or firearm parts:**

- **Travelers must declare all firearms to the airline during the ticket counter check-in process.**

- **The firearm must be unloaded.**
- **The firearm must be in a hard-sided container.**
- **The container must be locked. A locked container is defined as one that completely secures the firearm from being accessed. Locked cases that can be pulled open with little effort cannot be brought aboard the aircraft.**
- **If firearms are not properly declared or packaged, TSA will provide the bag to law enforcement for resolution with the airline. If the issue is resolved, law enforcement will release the bag to TSA so screening may be completed.**
- **TSA must resolve all alarms of checked luggage. If a locked container containing a firearm alarms, TSA will contact the airline, who will make a reasonable attempt to contact the owner and advise the passenger to go to the screening location. If contact is not made, the container will not be placed on the aircraft.**
- **If a locked container alarms during screening and is not marked as containing a declared firearm, TSA will cut the lock in order to resolve the alarm.**
- **Travelers should remain in the area designated by the aircraft operator or TSA representative to take the key back after the container is cleared for transportation.**
- **Travelers must securely pack any ammunition in fiber (such as cardboard), wood or metal boxes or other packaging specifically designed to carry small amounts of ammunition.**
- **Firearm magazines and ammunition clips must be securely boxed or included within a hard-sided case containing an unloaded firearm.**
- **Small arms ammunition, including ammunition not exceeding .75 caliber for a rifle or pistol and shotgun shells of any gauge, may be carried in the same hard-sided case as the firearm, as long as it follows the packing guidelines described above.**
- **TSA prohibits black powder or percussion caps used with black-powder.**

**These regulations are strictly enforced. Violations can result in state and local criminal prosecution, as well as civil penalties of up to \$2,000 per violation.**

***PLEASE CHECK WITH AIRLINE OR TSA PRIOR TO ARRIVAL MOST OF THESE ITEMS CAN BE CHECKED IN BUT CAN NOT BE CARRIED ON!  
ASK ABOUT LIMITATIONS OR FEES***

**Small arms ammunition, including ammunition up to .75 caliber and shotgun shells of any gauge. Check with your airline or travel agent to see if ammunition is permitted in checked baggage on the airline you are flying. Small arms ammunitions for personal use must be securely packaged in fiber, wood or metal boxes or other packaging specifically designed to carry small amount of ammunition. Ask about limitations or fees, if any, that apply. BB Guns, Compressed Air Guns, including rifles and pistols (to include paintball markers) - Carried in checked luggage without compressed air cylinder attached.**

**Firearms-firearms carried as checked baggage MUST be unloaded, packed in a locked hard-sided container, and declared to the airline at check-in.**

**Flare Guns-may be carried as checked baggage MUST be unloaded, packed in a locked hard-sided container, and declared to the airline at check-in.**

**Gun Lighters**

**Gun Powder including black powder and percussion caps**

**Parts of Guns and Firearms**

**Pellet Guns**

**Realistic Replicas of Firearms**

**Starter Pistols-can only be carried as checked baggage and MUST be unloaded, packed in a locked hard-sided container, and declared to the airline at check-in.**

## **TSA CONTACT CENTER**

- Email: [TSA-ContactCenter@dhs.gov](mailto:TSA-ContactCenter@dhs.gov)
- Phone: Call 1-866-289-9673

## **STORAGE OF GUNS:**

**Warning: The penalties for failure to comply are quite severe.**

The law requires guns to be stored in a specific manner. All guns when not in use, with the exception of primitive firearms, must be stored or kept “secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device,” to prevent unauthorized use. Penalties are assessed even if no underage person obtains access. (Chapter 140, section 131L)

### **A couple of things to note:**

**Deadly Force:** Force likely or intended to cause death or great bodily harm whether or not death actually occurs.

**Self Defense:** The right to protect one’s person against an injury attempted by another. In MA the law has taken the position that self defense is justified only if the individual being attacked has a reasonable belief that he or she is in danger of death or serious bodily harm.

**Dwelling:** A place where an individual is temporarily or permanently residing. It has to be a permanent structure, your home, apartment, cottage, and under some circumstances can include a hotel/motel room.

**Note: a dwelling cannot be a motor home, tent, or boat because they are not permanent structures. Anyone using deadly force in one of these will not be protected by this law.**

An ‘occupant’ is an individual who has some sort of possessory interest in the property, i.e. a tenant or owner.

Contrary to popular belief, if a criminal is unlawfully in your dwelling, and shows the intent to inflict serious bodily injury or death upon you or any other individual lawfully in your dwelling *there is no duty of said occupant to retreat from the criminal unlawfully in that dwelling.*

**Please note: If the criminal intruder is not threatening death or serious bodily injury, the occupant will not be covered by this law and could be charged with murder or manslaughter for using deadly force against said criminal. To be protected by this law an occupant that is prosecuted for using deadly force has the burden of proof of self-prosecution to prove otherwise.**

## **CHANGE OF ADDRESS NOTIFICATION:**

**Massachusetts General Law Chapter 140, section 129B states:**

**A cardholder shall notify, in writing, the licensing authority that issued such card, the chief of police into whose jurisdiction such cardholder moves and the executive director of the criminal history systems board of any change of address. Such notification shall be made by certified mail within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of such card.**

**Massachusetts General Law Chapter 140, section 131(I) states:**

**Any licensee shall notify, in writing, the licensing authority who issued such license, the chief of police into whose jurisdiction the licensee moves and the executive director of the criminal history systems board of any change of address. Such notification shall be made by certified mail within 30 days of its occurrence. *Failure to so notify shall be cause for revocation or suspension of said license.***