

HOUSE No. 4135

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 17, 2023.

The committee on Ways and Means, to whom was referred the message from Her Excellency the Governor submitting requests for making appropriations for the fiscal year 2023 for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4090), reports, in part, recommending that the accompanying bill (House, No. 4135), ought to pass [Representatives Smola of Warren, D’Emilia of Bridgewater, Muratore of Plymouth, Berthiaume of Spencer, McKenna of Webster, Pease of Westfield, Sullivan-Almeida of Abington and Xiarhos of Barnstable dissent].

For the committee,

AARON MICHLEWITZ.

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The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act modernizing firearm laws.

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

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

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

9 SECTION 2. Section 172M of chapter 6 of the General Laws, as so appearing, is hereby
10 amended by striking out, in line 3, the figure “122” and inserting in place thereof the following
11 figure:- 125.

12 SECTION 3. Said section 172M of said chapter 6, as so appearing, is hereby further
13 amended by striking out, in lines 6 and 7, the words:- “and unmonitored contact with firearms,

14 shotguns or rifles” and inserting in place thereof the following words:- contact with firearms, as
15 defined in section 121 of said chapter 140.

16 SECTION 4. Section 5J of chapter 18 of the General Laws, as so appearing, is hereby
17 amended by striking out, in lines 9 to 11, inclusive, the words “firearms dealers licensed pursuant
18 to section 122 of chapter 140 and ammunicions dealers licensed pursuant to section 122B of
19 said” and inserting in place thereof the following words:- persons licensed pursuant to section
20 125 of.

21 SECTION 5. Section 2LLL of chapter 29 of the General Laws, as so appearing, is hereby
22 amended by striking out, in lines 8 and 9, the words “fee assessed under sections 122, 122B,
23 129B, 131, 131A, 131F, and 131H” and inserting in place thereof the following words:- fees
24 assessed under section 123B for licenses and permits issued pursuant to sections 124 to 124C,
25 inclusive, 124E, 125 and 125B.

26 SECTION 6. Section 22F of chapter 40 of the General Laws, as so appearing, is hereby
27 amended by striking out, in line 17, the number “131N” and inserting in place thereof the
28 number:- 131H.

29 SECTION 7. Section 10B of chapter 66 of the General Laws, as so appearing, is hereby
30 amended by striking out, in lines 7 and 8, the following words:- , rifles, shotguns, machine guns.

31 SECTION 8. Said section 10B of said chapter 66, as so appearing, is hereby further
32 amended, in line 14, by inserting after the word “request” the following words:- provided,
33 however, that nothing in this section shall prohibit the transmission of data and other information
34 to the department of criminal justice information services and its use pursuant to section 122B of
35 chapter 140.

36 SECTION 9. Section 26 of chapter 90B of the General Laws, as so appearing, is hereby
37 amended by striking out, in line 66, the words “rifle or shotgun” and inserting in place thereof
38 the following words:- as defined in section 121 of chapter 140,.

39 SECTION 10. Said section 26 of said chapter 90B, as so appearing, is hereby further
40 amended by striking out, in lines 68 to 69, inclusive, the words “such firearm, rifle or shotgun is
41 unloaded and in an enclosed case” and inserting in place thereof the following words:- such
42 person possesses the required firearms license or permit issued under sections 124 to 124B,
43 inclusive, of chapter 140 and carries such firearm in compliance with section 126B of chapter
44 140. Any violation of this subsection shall be penalized in accordance with section 126B of
45 chapter 140.

46 SECTION 11. Section 244 of chapter 111 of the General Laws, as so appearing, is hereby
47 amended by striking out, in line 48, the words “131R to 131Y” and inserting in place thereof the
48 following words:- 131 to 131H.

49 SECTION 12. Section 35 of chapter 123 of the General Laws, as so appearing, is hereby
50 amended by striking out, in lines 114 and 115, the words “firearm identification card pursuant to
51 section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F” and
52 inserting in place thereof the following words:- firearms license or permit pursuant to sections
53 124 to 124B, inclusive,.

54 SECTION 13. Said section 35 of said chapter 123, as so appearing, is hereby further
55 amended by striking out, in line 122, the words “rifle or shotgun” and inserting in place thereof
56 the following words:- as defined in section 121 of chapter 140.

57 SECTION 14. Section 36C of said chapter 123 of the General Laws, as so appearing, is
58 hereby amended by striking out, in lines 8 and 9, the words “firearm identification card pursuant
59 to section 129B of chapter 140 or a license to carry pursuant to sections 131 and 131F of said
60 chapter” and inserting in place thereof the following words:- firearms license or permit pursuant
61 to sections 124 to 124B, inclusive, of chapter.

62 SECTION 15. Section 11 of chapter 131 of the General Laws, as so appearing, is hereby
63 amended by striking out, in lines 35 and 36, the words “one hundred and thirty-one H of chapter
64 one hundred and forty” and inserting in place thereof the following words:- 124B of chapter 140.

65 SECTION 16. Said chapter 131, as so appearing, is hereby further amended by striking
66 out section 62 and inserting in place thereof the following section:-

67 Section 62. A person, with a percentage, by weight, of alcohol in their blood of eight one-
68 hundredths or greater, or while under the influence of intoxicating liquor, or of marihuana,
69 narcotic drugs, depressant or stimulant substances, all as defined in section 1 of chapter 94C, or
70 who intentionally smells or inhales the fumes of any substance having the property of releasing
71 toxic vapors in violation of section 18 of chapter 270, shall not hunt or carry a firearm, bow and
72 arrow or other weapon while engaged in hunting or target shooting. A violation of this section
73 shall be punished by a fine of not more than \$5,000 or by imprisonment in the house of
74 correction for not more than 2 ½ years, or by both such fine and imprisonment.

75 SECTION 17. Section 90 of said chapter 131, as so appearing, is hereby amended by
76 striking out, in line 7, the figure “, 62”.

77 SECTION 18. Section 121 of chapter 140 of the General Laws, as so appearing, is hereby
78 amended by striking out, in line 1, the figure “131Y” and inserting in place thereof the following
79 figure:- 131H.

80 SECTION 19. Said section 121 of said chapter 140, as so appearing, is hereby further
81 amended by striking out the definition of “Ammunition” and inserting in place thereof the
82 following 3 definitions:-

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

85 “Ammunition”, cartridges or cartridge cases, primers (igniter), bullets or propellant
86 powder designed for use in any firearm; provided, that “ammunition” shall also mean tear gas
87 cartridges.

88 “Antique firearm”, any firearm or replica thereof manufactured in or prior to the year
89 1899 if such firearm: (i) is not designed or redesigned for using rimfire or conventional centerfire
90 fixed ammunition; or (ii) uses rimfire or conventional centerfire fixed ammunition that is no
91 longer manufactured in the United States and which is not readily available in the ordinary
92 channels of commercial trade; provided, that “antique firearm” shall include any muzzle loading
93 rifle, shotgun or pistol that is designed to use black powder, or a black powder substitute, and
94 that cannot use fixed ammunition, unless the firearm: (i) incorporates a firearm frame or
95 receiver; (ii) is converted into a muzzle loading weapon; or (iii) is a muzzle loading weapon that
96 can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or
97 any combination thereof.

98 SECTION 20. Said section 121 of said chapter 140, as so appearing, is hereby further
99 amended by striking out the definition of “Assault weapon” and inserting in place thereof the
100 following 5 definitions:-

101 “Assault-style firearm”, any firearm which is:

102 (a) A semiautomatic, centerfire rifle with the capacity to accept a detachable feeding
103 device and includes any of the following features: (i) a folding or telescopic stock; (ii) a
104 thumbhole stock or pistol grip; (iii) a forward grip or second handgrip or protruding grip that can
105 be held by the non-trigger hand; (iv) a threaded barrel designed to accommodate a flash
106 suppressor or muzzle break or similar feature; or (v) a shroud that encircles either all or part of
107 the barrel designed to shield the bearer’s hand from heat, excluding a slide that encloses the
108 barrel.

109 (b) A semiautomatic pistol with the capacity to accept a detachable feeding device and
110 includes any of the following features: (i) the capacity to accept a feeding device that attaches to
111 the pistol outside of the pistol grip; (ii) a second handgrip or a protruding grip that can be held by
112 the non-trigger hand; (iii) a threaded barrel capable of accepting a flash suppressor, forward
113 handgrip or silencer; or (iv) a shroud that encircles either all or part of the barrel designed to
114 shield the bearer’s hand from heat, excluding a slide that encloses the barrel.

115 (c) A semiautomatic shotgun with the capacity to accept a detachable feeding device and
116 includes any of the following features: (i) a folding or telescopic stock; (ii) a thumbhole stock or
117 pistol grip; or (iii) a protruding grip for the non-trigger hand.

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

119 (e) All of the following rifles:

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

125 (ii) All AR types, including the following: AR-10, AR-15, Alexander Arms Overmatch
126 Plus 16, Armalite M15 22LR Carbine, Armalite M15-T, Barrett REC7, Beretta AR-70, Black
127 Rain Ordnance Recon Scout, Bushmaster ACR, Bushmaster Carbon 15, Bushmaster MOE
128 series, Bushmaster XM15, Chiappa Firearms MFour rifles, Colt Match Target rifles, CORE Rifle
129 Systems CORE15 rifles, Daniel Defense M4A1 rifles, Devil Dog Arms 15 Series rifles,
130 Diamondback DB15 rifles, DoubleStar AR rifles, DPMS Tactical rifles, DSA Inc. ZM-4
131 Carbine, Heckler & Koch MR556, High Standard HSA-15 rifles, Jesse James Nomad AR-15
132 rifles, Knight's Armament SR-15, Lancer L15 rifles, MGI Hydra Series rifles, Mossberg MMR
133 Tactical rifles, Noreen Firearms BN 36 rifle, Olympic Arms, POF USA P415, Precision Firearms
134 AR rifles, Remington R-15 rifles, Rhino Arms AR rifles, Rock River Arms LAR-15, Sig Sauer
135 SIG516, M400 and SIG716 rifles, Smith & Wesson M&P15 rifles, Stag Arms AR rifles, Sturm,
136 Ruger & Co. SR556 and AR-556 rifles, Uselton Arms Air-Lite M-4 rifles, Windham Weaponry
137 AR rifles, WMD Guns Big Beast, Yankee Hill Machine Company, Inc. YHM-15 rifles;

138 (iii) Barrett M107A1 and M82A1;

139 (iv) Beretta CX4 Storm;

140 (v) Calico Liberty Series;

- 141 (vi) CETME Sporter;
- 142 (vii) Daewoo K-1, K-2, Max 1, Max 2, AR 100 and AR 110C;
- 143 (viii) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter,
144 PS90, SCAR and FS2000;
- 145 (ix) Feather Industries AT-9;
- 146 (x) Galil Model AR and Model ARM;
- 147 (xi) Hi-Point Carbine;
- 148 (xii) HK-91, HK-93, HK-94, HK-PSG-1 and HK USC;
- 149 (xiii) IWI TAVOR and Galil ACE rifle;
- 150 (xiv) Kel-Tec Sub 2000, SU-16, RDB and RFB;
- 151 (xv) SIG AMT, SIG PE-57, SIG556, Sig Sauer SG 550, Sig Sauer SG 551 and SIG
152 MCX;
- 153 (xvi) Springfield Armory SAR-48;
- 154 (xvii) Steyr AUG;
- 155 (xviii) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF;
- 156 (xix) All Thompson rifles, including the following: M1SB, T1100D, T150D, T1B,
157 T1B100D, T1B50D, T1BSB, T1-C, T1D, T1SB, T5, T5100D, TM1, TM1C;
- 158 (xx) UMAREX UZI rifle;

- 159 (xxi) UZI Mini Carbine, UZI Model A Carbine and UZI Model B Carbine;
- 160 (xxii) Valmet M62S, M71S and M78;
- 161 (xxiii) Vector Arms UZI Type;
- 162 (xxiv) Weaver Arms Nighthawk; and
- 163 (xxv) Wilkinson Arms Linda Carbine.
- 164 (f) All of the following pistols:
- 165 (i) All AK types, including the following: Centurion 39 AK pistol, Draco AK-47 pistol,
- 166 HCR AK-47 pistol, IO Inc. Hellpup AK-47 pistol, Krinkov pistol, Mini Draco AK-47 pistol,
- 167 PAP M92 pistol and Yugo Krebs Krink pistol;
- 168 (ii) All AR types, including the following: American Spirit AR-15 pistol, Bushmaster
- 169 Carbon 15 pistol, Chiappa Firearms M4 Pistol GEN II, CORE Rifle Systems CORE15 Roscoe
- 170 pistol, Daniel Defense MK18 pistol, DoubleStar Corporation AR pistol, DPMS AR-15 pistol,
- 171 Jesse James Nomad AR-15 pistol, Olympic Arms AR-15 pistol, Osprey Armament MK-18
- 172 pistol, POF USA AR pistols, Rock River Arms LAR 15 pistol and Uselton Arms Air-Lite M-4
- 173 pistol;
- 174 (iii) Calico pistols;
- 175 (iv) CZ Scorpion and CZ BREN;
- 176 (v) DSA SA58 PKP FAL pistol;
- 177 (vi) Encom MP-9 and MP-45;

- 178 (vii) Heckler & Koch model SP-89 pistol;
- 179 (viii) Intratec AB-10, TEC-22 Scorpion, TEC-9 and TEC-DC9;
- 180 (ix) IWI Galil Ace pistol, UZI PRO pistol;
- 181 (x) Kel-Tec PLR 16 pistol;
- 182 (xi) All MAC types, including the following: MAC-10, MAC-11, Masterpiece Arms
183 MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol and MPA Mini Tactical Pistol,
184 Military Armament Corp. Ingram M-11 and Velocity Arms VMAC;
- 185 (xii) Sig Sauer P556 pistol;
- 186 (xiii) Sites Spectre;
- 187 (xiv) All Thompson types, including the following: TA510D and TA5; and
- 188 (xv) All UZI types, including Micro-UZI.
- 189 (g) All of the following shotguns:
- 190 (i) DERYA Anakon MC-1980, Anakon SD12;
- 191 (ii) Doruk Lethal shotguns;
- 192 (iii) Franchi LAW-12 and SPAS 12;
- 193 (iv) All IZHMASH Saiga 12 types, including the following: Saiga 12, Saiga 12S, Saiga
194 12S EXP-01, Saiga 12K, Saiga 12K-030, Saiga 12K-040 Taktika;
- 195 (v) Street Sweeper; and

196 (vi) Striker 12.

197 (h) Any shotgun with a revolving cylinder.

198 (i) All belt-fed semiautomatic firearms, including TNW M2HB and FN M249S.

199 (j) a copy or duplicate of any firearm meeting the standards of or enumerated in clauses
200 (d) to (i), inclusive; provided, that for the purposes of this subsection, “copy or duplicate” shall
201 mean a firearm: (A) that was manufactured or subsequently configured with an ability to accept a
202 detachable magazine; and (B)(i) that has internal functional components that are substantially
203 similar in construction and configuration to those of an enumerated weapon in clauses (d) to (i),
204 inclusive; or (ii) that has a receiver that is the same as or interchangeable with the receiver of an
205 enumerated weapon in said clauses.

206 (k) “Assault-style firearm” shall not include any: (i) firearm that is operated by manual
207 bolt, pump, lever or slide action; (ii) firearm that has been rendered permanently inoperable or
208 otherwise rendered permanently unable to be designated as a semiautomatic assault-style
209 firearm; (iii) firearm that is an antique or relic, theatrical prop or other firearm that is not capable
210 of firing a projectile and which is not intended for use as a functional firearm and cannot be
211 readily modified through a combination of available parts into an assault-style firearm; or (iv)
212 semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or
213 detachable feeding device.

214 “Assemble”, to fit together a firearm’s component parts; provided, however, that
215 “assemble” shall not include firearm reassembly, repair or the fitting of special barrels, stocks or
216 trigger mechanisms to firearms.

217 “Automatic conversion”, any modification made to a firearm or any part capable of being
218 attached to a firearm that allows for the automatic discharge of more than 1 shot with 1
219 continuous activation of the trigger.

220 “Automatic part”, any part capable of being attached to a firearm that allows for the
221 automatic discharge of more than 1 shot with 1 continuous activation of the trigger.

222 “Bona fide collector of firearms”, a licensed collector pursuant to 18 U.S.C. section
223 923(b).

224 SECTION 21. Said section 121 of said chapter 140, as so appearing, is hereby further
225 amended by inserting after the definition of “Bump stock”, the following definition:-

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

228 SECTION 22. Said section 121 of said chapter 140, as so appearing, is hereby further
229 amended by striking out, in line 43, the words “131R to 131Y” and inserting in place thereof the
230 following words:- 131 to 131H.

231 SECTION 23. Said section 121 of said chapter 140, as so appearing, is hereby further
232 amended by inserting after the definition of “Court” the following 2 definitions:-

233 “Covert firearm”, a firearm placed in a camouflaging firearm container, or a firearm that
234 is not a stun gun, that is capable of discharging a bullet or shot and is constructed in a shape that
235 does not resemble a firearm or is not immediately recognizable as a firearm, including, but not
236 limited to, zip guns, concealed bolt guns, folding guns and any other weapon that resemble key-

237 chains, pens, canes, wallets, flashlights, cigarette-lighters or cigarette-packages, flare guns, pellet
238 guns and bb gun conversion kits.

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

242 SECTION 24. Said section 121 of said chapter 140, as so appearing, is hereby further
243 amended by striking out the definition of “Deceptive weapon device” and inserting in place
244 thereof the following definition:-

245 “Deceptive firearm device”, any device that is intended to convey the presence of a
246 firearm that is used in the commission of a violent crime and that presents an objective threat of
247 immediate death or serious bodily harm to a person of reasonable and average sensibility.

248 SECTION 25. Said section 121 of said chapter 140, as so appearing, is hereby further
249 amended by striking out, in lines 54 to 56, inclusive, the words “firearm identification card
250 which the respondent may hold and ordering the respondent to surrender all firearms, rifles,
251 shotguns, machine guns” and inserting in place thereof the following words:- long gun permit
252 which the respondent may hold and ordering the respondent to surrender all firearms.

253 SECTION 26. Said section 121 of said chapter 140, as so appearing, is hereby further
254 amended by striking out the definitions of “Firearm”, “Gunsmith” and “Imitation firearm” and
255 inserting in place thereof the following 5 definitions:-

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

258 “Firearm”, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity
259 firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may
260 readily be converted to expel a shot or bullet; the frame or receiver of any such firearm;
261 provided, however, that “firearm” shall not include any antique firearm or permanently
262 inoperable firearm.

263 “Frame”, the part of a pistol or revolver that provides housing or a structure for the
264 component designed to hold back the hammer, striker, bolt or similar primary energized
265 component prior to initiation of the firing sequence, even if pins or other attachments are
266 required to connect such component to the housing or structure. Any such part that is identified
267 with an importer’s or manufacturer’s serial number shall be presumed, absent an official
268 determination by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States
269 Department of Justice or other reliable evidence to the contrary, to be the frame of the firearm.

270 “Gunsmith”, any person who engages in the business of repairing, altering, cleaning,
271 polishing, engraving, blueing or performing any mechanical operation on any firearm.

272 “Imitation firearm”, any firearm which is designed, manufactured or altered in such a
273 way as to render it incapable of discharging a shot or bullet.

274 SECTION 27. Said section 121 of said chapter 140, as so appearing, is hereby further
275 amended by striking out the definition of “Large capacity feeding device” and inserting in place
276 thereof the following definition:-

277 “Large capacity feeding device”, (i) a fixed or detachable magazine, belt, drum, feed strip
278 or similar device that has a capacity of, or that can be readily converted to accept, more than 10
279 rounds of ammunition or more than 5 shotgun shells; or (ii) any part or combination of parts

280 from which a device can be assembled if those parts are in the possession or control of the same
281 person. “Large capacity feeding device” shall not include: (i) any device that has been
282 permanently altered so that it cannot accommodate more than 10 rounds of ammunition or more
283 than 5 shotgun shells; (ii) an attached tubular device designed to accept and capable of operating
284 only with .22 caliber rimfire ammunition; or (iii) a tubular magazine that is contained in a lever-
285 action firearm or on a pump shotgun.

286 SECTION 28. Said section 121 of said chapter 140, as so appearing, is hereby further
287 amended by striking out the definition of “Large capacity weapon” and inserting in place thereof
288 the following definition:-

289 “Large capacity firearm”, any firearm that: (i) is semiautomatic with a fixed large
290 capacity feeding device; (ii) is semiautomatic and capable of accepting, or readily modifiable to
291 accept, any detachable large capacity feeding device when both are in the same person’s
292 possession or under their control in a vehicle; (iii) employs a rotating cylinder capable of
293 accepting more than 10 rounds of ammunition or more than 5 shotgun shells; or (iv) is an
294 assault-style firearm. The term “large capacity firearm” shall be a secondary designation and
295 shall apply to a weapon in addition to its primary designation as a firearm, and shall not include,
296 any firearm that: (i) operates by manual bolt, pump, lever or slide action; (ii) is a single-shot
297 weapon; (iii) has been modified so as to render it permanently inoperable or otherwise rendered
298 permanently unable to be designated a large capacity firearm; or (iv) is an antique or relic,
299 theatrical prop or other weapon that is not capable of firing a projectile and which is not intended
300 for use as a functional weapon and cannot be readily modified through a combination of
301 available parts into an operable large capacity firearm.

302 SECTION 29. Said section 121 of said chapter 140, as so appearing, is hereby further
303 amended by inserting, in line 119, after the word “them” the following words:- ; provided,
304 however, that should no such chief or officer exist the colonel of the state police or their designee
305 shall act as the licensing authority.

306 SECTION 30. Said section 121 of said chapter 140, as so appearing, is hereby further
307 amended by striking out the definition of “Machine gun” and inserting in place thereof the
308 following 4 definitions:-

309 “Machine gun”, a firearm, loaded or unloaded, which may automatically discharge more
310 than 1 shot by a continuous activation of the trigger, whether originally manufactured as such or
311 modified by automatic conversion, including through the use of an automatic part; provided, that
312 “machine gun” shall include a submachine gun.

313 “Manufacture”, to fabricate, make, form, produce or construct, by manual labor or by
314 machinery, a firearm; provided, however, that “manufacture” shall not include firearm
315 reassembly, firearm repair or the making or fitting of special barrels, stocks or trigger
316 mechanisms to firearms.

317 “Nonresident”, a person who is temporarily in the commonwealth but legally resides in
318 another state or territory of the United States.

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

321 SECTION 31. Said section 121 of said chapter 140, as so appearing, is hereby further
322 amended by striking out the definitions of “Petition” and “Petitioner” and inserting in place
323 thereof the following 3 definitions:-

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

326 “Petitioner”, as used in sections 131 to 131H, inclusive, the individual that is filing the
327 petition and is a: (i) family or household member; (ii) law enforcement agency or officer, as
328 defined in section 1 of chapter 6E; (iii) health care provider that provided health care services to
329 the respondent within the preceding 6 months; provided, that for the purposes of this clause
330 “health care provider” shall include a: licensed physician, licensed physician assistant, registered
331 nurse, licensed practical nurse, certified nurse practitioner, certified clinical nurse specialist,
332 certified psychiatric clinical nurse specialist, licensed psychiatrist, licensed psychologist,
333 licensed mental health counselor, licensed marriage and family therapist, licensed alcohol and
334 drug counselor, licensed independent clinical social worker or licensed certified social worker;
335 (iv) principal or assistant principal of an elementary school or secondary school, or administrator
336 of a college or university where the respondent is enrolled; or (v) employer of the respondent.

337 “Privately made firearm”, a firearm manufactured or assembled by an individual who is
338 not a licensed manufacturer; provided, however, that “privately made firearm” shall not include
339 firearms manufactured or assembled by persons licensed under section 125 in the course of their
340 business activities.

341 SECTION 32. Said section 121 of said chapter 140, as so appearing, is hereby further
342 amended by striking out the definition of “Respondent” and inserting in place thereof the
343 following 2 definitions:-

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

351 “Respondent”, as used in sections 131 to 131H, inclusive, the person identified as the
352 respondent in a petition against whom an extreme risk protection order is sought.

353 SECTION 33. Said section 121 of said chapter 140, as so appearing, is hereby further
354 amended by striking out, in lines 136, 139, 140 and 147, the word “weapon”, each time it
355 appears, and inserting in place thereof, in each instance, the following word:- firearm.

356 SECTION 34. Said section 121 of said chapter 140, as so appearing, is hereby further
357 amended by inserting after the definition of “Sawed-off shotgun” the following 2 definitions:-

358 “Secured in a locked container”, secured in a container that is capable of being unlocked
359 only by means of a key, combination or similar means, including in an unoccupied motor
360 vehicle, a locked trunk not accessible from the passenger compartment, a locked console or
361 locked glovebox.

362 “Self-defense spray”, chemical mace, pepper spray or any device or instrument which
363 contains, propels or emits a liquid, gas, powder or other substance designed to incapacitate.

364 SECTION 35. Said section 121 of said chapter 140, as so appearing, is hereby further
365 amended by inserting after the definition of “Semiautomatic” the following 2 definitions:-

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

371 “Serialization”, the process of conspicuously engraving, casting or otherwise
372 permanently embedding a unique serial number on a firearm frame or receiver; provided, that the
373 serial number shall be placed in a manner not susceptible to being readily obliterated, altered or
374 removed and shall be engraved, cast or otherwise permanently embedded to a depth of not less
375 than .003 inches and in a print size not less than 1/16 inch; and provided further, that
376 serialization of firearms, frames and receivers made from non-metallic materials shall be
377 accomplished by using a metal plate permanently embedded in the material of the frame or
378 receiver.

379 SECTION 36. Said section 121 of said chapter 140, as so appearing, is hereby further
380 amended by striking out the definition of “Trigger crank” and inserting in place thereof the
381 following 3 definitions:-

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

384 “Undetectable firearm”, (i) a firearm that after the removal of grips, stocks and
385 magazines, is not detectable by walk-through metal detectors calibrated and operated to detect
386 the security exemplar as defined in 18 U.S.C. Section 922(p)(2)(C); or (ii) a major component of
387 a firearm as defined in 18 U.S.C. Section 922(p)(2)(B) that, when inspected by detection devices
388 commonly used at secure public buildings and transit stations, does not generate an image that
389 accurately depicts the shape of the component.

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

393 SECTION 37. Said section 121 of said chapter 140, as so appearing, is hereby further
394 amended by striking out lines 175 to 192, inclusive.

395 SECTION 38. Said chapter 140 is hereby amended by striking out section 121A, as so
396 appearing, and inserting in place thereof the following 3 sections:-

397 Section 121A. (a) A licensing authority shall, within 40 days from the date of receipt of a
398 completed application for any license or permit issued under sections 124 to 124C, inclusive,
399 124E, 125 or 125B, or renewal of the same, either approve the application and issue the license
400 or permit or deny the application and notify the applicant of the reason for such denial in writing;
401 provided, however, that no license or permit shall be issued unless the colonel of the state police
402 has certified that the information available indicates that issuing the license or permit is not in
403 violation of state or federal law.

404 (b) Upon receiving the application, the licensing authority shall provide the applicant
405 with a receipt that includes: (i) the applicant’s name and address, current license or permit

406 number and expiration date, if any; (ii) the date the licensing authority received the application;
407 (iii) the name, address and telephone number of the licensing authority or its agent that received
408 the application; (iv) the type of application; and (v) whether the application is for a new license
409 or permit or renewal of the same.

410 (c) Within 7 days of receipt of the completed application the licensing authority shall
411 forward 1 copy of the application and 1 copy of the applicant's fingerprints to the colonel of the
412 state police; provided, however, that the taking of fingerprints shall not be required in issuing a
413 renewal if the applicant's fingerprints are on file with the department of the state police.

414 (d) The colonel of the state police shall, within 30 days of receipt of the application and
415 fingerprints, advise the licensing authority, in writing, of any disqualifying criminal record of the
416 applicant arising from within or without the commonwealth and whether there is reason to
417 believe that the applicant is disqualified from possessing the license or permit requested. If the
418 information available to the colonel does not indicate that issuing the license would be in
419 violation of state or federal law, the colonel shall certify such fact to the licensing authority
420 within said 30-day period. In searching for any disqualifying history of the applicant, the colonel
421 shall: (i) utilize, or cause to be utilized, files maintained by the department of probation and
422 statewide and nationwide criminal justice, warrant and protection order information systems and
423 files including, but not limited to, the National Instant Criminal Background Check System; and
424 (ii) inquire of the commissioner of the department of mental health relative to whether the
425 applicant is disqualified from receiving a license or permit.

426 (e) The licensing authority may also make inquiries concerning an applicant to: (i) the
427 commissioner of the department of criminal justice information services relative to any

428 disqualifying condition, prior license or permit information, records of purchases, sales, rentals,
429 leases and transfers of firearms or ammunition concerning the applicant; (ii) the commissioner of
430 probation relative to any record contained within the department of probation or the statewide
431 domestic violence record keeping system concerning the applicant; and (iii) the commissioner of
432 the department of mental health relative to whether the applicant is a suitable person to possess
433 firearms. The director or commissioner to whom the licensing authority makes such an inquiry
434 shall provide prompt and full cooperation with any investigation of the applicant.

435 (f) Whoever knowingly files an application for any license or permit pursuant to sections
436 124 to 124C, inclusive, 124E, 125 or 125B containing false information or knowingly issues any
437 such license or permit in violation of this chapter shall be punished by a fine of not less than
438 \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years
439 in a house of correction, or by both such fine and imprisonment.

440 Section 121B. (a) The application for any license or permit pursuant to sections 124 to
441 124C, inclusive, 124E, 125 or 125B, shall be made in a standard form provided by the
442 commissioner of the department of criminal justice information services, which shall require the
443 applicant, or parent or guardian of a minor, to affirmatively state, under the pains and penalties
444 of perjury, that the applicant is not disqualified on any of the grounds enumerated in section 123
445 from being issued such license or permit.

446 (b) A licensing authority shall record in books, forms or electronic files kept for that
447 purpose on the premises, and on the electronic firearms registration system created by the
448 department of criminal justice information services pursuant to section 122, when produced or
449 received, all: (i) license and permit applications, receipts, fees, affidavits, license location

450 transfers and training certificates; (ii) issued licenses and permits, and denials, revocations and
451 suspensions of the same; (iii) decisions of the firearm licensing review board; and (iv) firearm
452 transfers, including deliveries, seizures, surrenders, loss or theft or disposals. The department
453 shall ensure automatic notification to the licensing authority of the existence of any disqualifying
454 condition discovered or occurring subsequent to the issuance of said license or permit.

455 (c) Any license or permit issued under sections 124 to 124B, inclusive, and section 124E
456 shall be issued in a standard form provided by the department of criminal justice information
457 services in a size and shape equivalent to that of a license to operate motor vehicles issued by the
458 registry of motor vehicles pursuant to section 8 of chapter 90 and shall be clearly marked with
459 the license or permit name. It shall contain a license or permit number, name, address,
460 photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and
461 signature of the licensee or permit-holder and shall provide, in a legible font size and style, the
462 telephone number for the 988 Suicide and Crisis Lifeline.

463 Section 121C. (a) Notwithstanding any general or special law, rule or regulation to the
464 contrary, the colonel of state police, in conjunction with the secretary of public safety and
465 security, shall promulgate rules and regulations implementing a statewide firearm surrender
466 program.

467 (b) Any resident of the commonwealth who complies with the policies set forth by the
468 colonel for the statewide firearm surrender program shall not be asked for identification and shall
469 be immune from prosecution for possession of any firearm surrendered pursuant to this section;
470 provided, however, that nothing herein shall prohibit the prosecution of any person for the
471 unlawful possession of a firearm who is not in compliance with the conditions and procedures

472 established by the colonel; and provided further, that nothing herein shall prohibit the
473 prosecution of any person for any other offense committed within the commonwealth.

474 (c) Any firearm surrendered under the statewide firearm surrender program that is
475 reported lost or stolen shall be returned to its lawful owner; provided, however, that any firearm,
476 suspected to be evidence in a crime shall remain in the custody and control of the department of
477 state police in the same manner as any other such firearm lawfully seized by the department of
478 state police. The department of state police may test-fire and preserve any and all firearms
479 voluntarily surrendered. All firearms that have been voluntarily surrendered that are not
480 suspected to be evidence of criminal activity and have not been reported stolen shall be disposed
481 of in accordance with procedures established by the colonel.

482 SECTION 39. Said chapter 140, is hereby further amended by striking out section 122, as
483 so appearing, and inserting in place thereof the following section:-

484 Section 122. (a)(1) The department of criminal justice information services shall develop
485 and maintain a real time electronic firearms registration system. All firearms possessed,
486 manufactured or assembled in the commonwealth shall be registered in accordance with this
487 section. Firearm registration shall be completed via the real time electronic firearms registration
488 system developed and maintained by the department of criminal justice information services and
489 shall include, but not be limited to, the following information: (i) the registrant's name, address
490 and contact information; (ii) the registrant's license or permit type, license or permit number and
491 expiration date or documentation of exemption pursuant to sections 127 or 127A; (iii) the type of
492 firearm; (iv) the date the firearm was acquired; (v) the name and address of the source from
493 which the firearm was obtained, including the name and address of the prior registrant if

494 applicable; (vi) whether the firearm is a privately made firearm; and (vii) a statement signed by
495 the registrant under the pains and penalties of perjury that they are properly licensed, permitted
496 or exempted under the laws of the commonwealth and are not otherwise prohibited from owning
497 or possessing a firearm.

498 (2) Firearm registration shall be completed at the time of firearm import, purchase,
499 acquisition, manufacture or assembly; provided, however, that a firearm may be: (i) registered
500 within 60 days if imported by a new resident of the commonwealth; (ii) registered within 7 days
501 if imported by a licensed dealer, gunsmith, distributor or manufacturer; (iii) registered within 60
502 days if acquired by an heir or devisee through distribution of an estate; or (iv) registered within 7
503 days if manufactured or assembled as a privately-made firearm.

504 (b) All firearm transactions within the commonwealth, including, but not limited to, all
505 purchases, sales, rentals, leases, loans or other transfers shall be reported to the electronic
506 firearms registration system. All firearm transactions shall be reported by all parties to the
507 transaction via the electronic firearms registration system within 7 days of the sale, rental, lease,
508 loan or other transfer; provided, however, that no report shall be required for a loan of a firearm
509 to a duly licensed or exempted person for a period of less than 7 days.

510 (c) Any loss or theft of a firearm shall be reported by the owner thereof via the electronic
511 firearms registration system within 7 days to the licensing authority or the department of state
512 police where it is registered and the department of criminal justice information services. Such
513 report shall include, but shall not limited to, a complete description of the firearm, including the
514 make, model, serial number and caliber and whether it is a large capacity firearm. The electronic

515 firearms registration system shall provide automatic and immediate notification to the licensing
516 authority in the town or city where the owner resides and where the license or permit was issued.

517 (d) This section shall not apply to firearms: (i) being delivered to law enforcement for the
518 sole purpose of their destruction; (ii) possessed by common carriers and their duly authorized
519 employees and agents while performing the regular and ordinary transport of firearms as
520 merchandise for customers licensed to permit such transport; (iii) possessed by individuals
521 lawfully traveling through the commonwealth in the care and custody of a nonresident owner;
522 provided, that the firearms are stored in accordance with sections 126B and 126C; (iv) that are
523 the property of the government of the United States; or (v) produced by federally licensed
524 manufacturers not for sale in the commonwealth.

525 (e) Whoever fails to register a firearm in violation of subsection (a), or fails to report a
526 transaction, loss or theft in violation of subsections (b) or (c) shall be punished as follows: (i) by
527 a fine of not more than \$1,000 for a first offense; (ii) by a fine of not more than \$7,500 or
528 imprisonment up to 6 months, or by both such fine and imprisonment, for a second offense; or
529 (iii) by a fine of not more than \$10,000 or imprisonment for not less than 1 year nor more than 5
530 years, or by both such fine and imprisonment, for a third or subsequent offense. Failure to report
531 shall also be a cause for suspension or permanent revocation of a person's license or permit.

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

536 SECTION 40. Said chapter 140 is hereby further amended by striking out section 122A,
537 as so appearing, and inserting in place thereof the following section:-

538 Section 122A. (a) All firearms shall have a serial number in accordance with the
539 requirements of this section. To meet serialization requirements all firearms shall be
540 conspicuously engraved, cast or otherwise permanently embedded with a unique serial number
541 on the frame or receiver; provided, that the serial number shall be placed in a manner not
542 susceptible of being readily obliterated, altered or removed and shall be engraved, cast or
543 otherwise permanently embedded to a depth of not less than .003 inches and in a print size not
544 less than 1/16 inch; provided further, that the serialization of firearms, frames and receivers made
545 from non-metallic materials shall be accomplished by using a metal plate permanently embedded
546 in the material of the frame or receiver.

547 (b) No person shall knowingly possess, manufacture, assemble, offer for sale, sell or
548 otherwise transfer or import an untraceable firearm in the commonwealth; provided, however,
549 that lawfully owned firearms imported or acquired by: (i) new residents moving into the
550 commonwealth or acquired by heirs or devisees through distribution of an estate shall be
551 serialized within 60 days of import or acquisition; and (ii) licensed firearms dealers, gunsmiths,
552 distributors or manufacturers shall be serialized within 7 days of import or acquisition.

553 (c) No person shall manufacture or assemble a privately made firearm without: (i)
554 obtaining a unique serial number from the department of criminal justice information services
555 prior to manufacture or assembly; (ii) serializing the firearm with the obtained serial number
556 during manufacture or assembly; and (iii) registering the firearm with the department of criminal

557 justice information services in accordance with section 122 within 7 days of the firearm's
558 manufacture or assembly.

559 (d) No person shall manufacture or assemble a privately made firearm that does not
560 comply with all relevant state and federal safety regulations.

561 (e) The department of criminal justice information services shall develop and maintain a
562 serial number request system to electronically receive, record and process requests for a unique
563 serial number in accordance with this section. The serial number request system shall be
564 integrated with the electronic firearms registration system maintained by the department of
565 criminal justice information services pursuant to section 122 and shall be able to register all
566 firearms and report firearm transactions pursuant to said section 122, and ensure that all data on
567 privately made firearms is available for data collection pursuant to sections 122B and tracing
568 purposes pursuant to section 122C.

569 (f) Requests for a unique serial number through the serial number request system shall
570 include information on the person requesting a unique serial number, whether the request is for a
571 privately made firearm, the type of firearm to be serialized and, if privately made, the means and
572 manner of its production.

573 (g) The requirements of this section shall not apply to firearms: (i) being delivered to law
574 enforcement for the sole purpose of their destruction; (ii) possessed by common carriers and their
575 duly authorized employees and agents while performing the regular and ordinary transport of
576 firearms as merchandise for customers licensed to permit such transport; (iii) possessed by
577 individuals lawfully traveling through the commonwealth in the care and custody of a
578 nonresident owner provided that the firearms are stored in accordance with sections 126B and

579 126C; (iv) that are the property of the government of the United States; or (v) produced by
580 federally licensed manufacturers not for sale in the commonwealth.

581 (h) The executive office of public safety and security, in consultation with the department
582 of criminal justice information services, shall promulgate rules and regulations for the
583 implementation of this section, including technical requirements for the serialization of firearms,
584 procedures for requesting serial numbers and procedures for public notice and an outreach
585 campaign to promote awareness of this section.

586 SECTION 41. Said chapter 140 is hereby further amended by striking out section 122B,
587 as so appearing, and inserting in place thereof the following section:-

588 Section 122B. (a) The department of criminal justice information services, in
589 collaboration with the executive office of public safety and security and the executive office of
590 technology services and security, shall collect, assemble and publish data and other information
591 relating to the use of firearms in the commonwealth.

592 (b) State and local agencies, including, but not limited to, the department of the state
593 police, licensing authorities and other criminal justice agencies, as defined in section 167 of
594 chapter 6, shall provide timely access to information requested by the department of criminal
595 justice information services pursuant to this section.

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

599 (1) The following aggregate data on the issuance of firearm licenses and permits pursuant
600 to sections 124 to 124B, inclusive, of chapter 140:

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

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

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

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

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

610 (i) the type of firearm-involved violence, for example, attempted or completed suicide,
611 homicide, accidental shooting, or other firearm-involved crime;

612 (ii) the age, gender, race and ethnicity of the firearm user;

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

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

615 (v) the firearms license status of the firearm user;

616 (vi) whether the firearm user, at the time of the incident, would be considered a
617 prohibited person as described in section 123;

- 618 (vii) whether the firearm user was arrested as a result of the incident;
- 619 (viii) the disposition of any prosecution;
- 620 (ix) whether the firearm was used in connection with known gang activity, a domestic
621 dispute or police interaction;
- 622 (x) the make, model, manufacturer and state or country of origin of the involved firearm;
- 623 (xi) the origin, source and secondary market of the involved firearm, including whether it
624 was purchased from a licensed dealer or private seller;
- 625 (xii) whether the involved firearm was lost, stolen or otherwise illegally obtained; and
- 626 (xiii) whether the involved firearm was untraceable or a privately made firearm,
627 including the manner in which it was produced.
- 628 (d) The department of criminal justice information services, in coordination with the
629 executive office of public safety and security and the executive office of technology services and
630 security, shall promulgate rules and regulations to ensure prompt collection, exchange, and
631 publication of the firearm licensing information under this section.

632 SECTION 42. Said chapter 140 is hereby further amended by striking out section 122C,
633 as so appearing, and inserting in place thereof the following section:-

634 Section 122C. (a) A firearm used to carry out a criminal act shall be traced by the
635 licensing authority for the city or town in which the crime took place or the law enforcement
636 agency taking possession of the firearm. Said authority or agency shall report all available
637 statistical data to the department of criminal justice information services. This statistical data

638 shall include, but not be limited to: (i) the make, model, serial number and caliber of the firearm
639 used; (ii) the type of crime committed; (iii) whether an arrest or conviction was made; (iv)
640 whether fingerprint evidence was found on the firearm; (v) whether ballistic evidence was
641 retrieved from the crime scene; (vi) whether the criminal use of the firearm was related to known
642 gang activity; (vii) whether the firearm was obtained illegally; (viii) whether the firearm was lost
643 or stolen; and (ix) whether the person using the firearm was otherwise a prohibited person.

644 (b) The department of criminal justice information services shall ensure that data reported
645 pursuant to this section is automatically transmitted into the federal electronic system maintained
646 by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of
647 Justice and to the commonwealth fusion center or the criminal firearms and trafficking unit
648 within the division of investigation and intelligence in the department of state police established
649 in section 6 of chapter 22C. The colonel of state police shall produce an annual report not later
650 than December 31 regarding crimes committed in the commonwealth using firearms, including
651 all of the categories of data contained in this section, and shall submit a copy of the report to the
652 joint committee on public safety and homeland security, the clerks of the house of
653 representatives and the senate and, upon request, to criminology, public policy and public health
654 researchers and other law enforcement agencies.

655 SECTION 43. Section 122D of said chapter 140 is hereby repealed.

656 SECTION 44. Said chapter 140 is hereby further amended by striking out section 123, as
657 appearing in the 2022 Official Edition, and inserting in place thereof the following 5 sections:-

658 Section 123. (a) A licensing authority shall deny any application for a license or permit
659 issued under sections 124 to 124B, inclusive, 124E, 125 or 125B or renewal thereof, to a person

660 the licensing authority determines to be a prohibited person. A prohibited person shall be a
661 person who:

662 (i) has ever, in a court of the commonwealth or in any other state or federal jurisdiction,
663 been convicted or adjudicated as a youthful offender or delinquent child or both, as defined in
664 section 52 of chapter 119, for the commission of: (A) a felony; (B) a misdemeanor punishable by
665 imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a
666 violation of any law regarding the use, possession, ownership or transfer of firearms or
667 ammunition for which a term of imprisonment may be imposed; (E) a violation of any law of the
668 commonwealth regulating the use, possession or sale of controlled substances, as defined in
669 section 1 of chapter 94C; or (F) a misdemeanor crime of domestic violence as defined in 18
670 U.S.C. 921(a)(33); provided, however, that, the commission of a crime described in clauses (B),
671 (D) or (E) shall only disqualify an applicant for a long gun permit under section 124A for 5 years
672 after the applicant was convicted or adjudicated or released from confinement, probation or
673 parole supervision for such conviction or adjudication, whichever occurs later;

674 (ii) is or has been: (A) committed to a hospital or institution for mental illness or alcohol
675 or substance use disorder, except a commitment pursuant to sections 35 or 36C of chapter 123,
676 unless after 5 years from the date of the confinement the applicant submits with the application
677 for a license or permit an affidavit of a licensed physician or clinical psychologist attesting
678 familiarity with the applicant's mental illness or alcohol or substance use disorder and that in the
679 physician's or psychologist's opinion, the applicant is not suffering from a mental illness or
680 alcohol or substance use disorder in a manner that shall prevent the applicant from possessing a
681 licensed firearm or permitted long gun; (B) committed by a court order to a hospital or institution
682 for mental illness, unless the applicant was granted a petition for relief of the court order

683 pursuant to said section 36C of said chapter 123 and submits a copy of the court order with the
684 application for a license or permit; (C) subject to an order of the probate court appointing a
685 guardian or conservator for an incapacitated person on the grounds that the applicant lacks the
686 mental capacity to contract or manage the applicant's affairs, unless the applicant was granted a
687 petition for relief of the order of the probate court pursuant to section 56C of chapter 215 and
688 submits a copy of the order with the application for a license or permit; or (D) found to be a
689 person with an alcohol use disorder or substance use disorder or both and committed pursuant to
690 said section 35 of said chapter 123, unless the applicant was granted a petition for relief of the
691 court order pursuant to said section 35 of said chapter 123 and submits a copy of the court order
692 with the application;

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

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

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

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

704 (vii) is a fugitive from justice.

705 (b) A licensing authority shall deny any application for a license or permit under sections
706 124 to 124B, inclusive, 124E, 125 or 125B, or renewal thereof, to a person the licensing
707 authority determines to be unsuitable to hold a license or permit. A determination of unsuitability
708 shall be based on reliable, articulable and credible information that the applicant has exhibited or
709 engaged in behavior that suggests that, if issued a license or permit, the applicant may create a
710 risk to public safety or a risk of danger to themselves or others. Upon denial of an application or
711 renewal of a license or permit based on a determination of unsuitability, the licensing authority
712 shall notify the applicant in writing setting forth the specific reasons for the determination.

713 (c) In the case of an application or renewal of a long gun permit under section 124A, a
714 licensing authority shall not have the authority to deny an application on the grounds of
715 unsuitability but may file a petition requesting that the district court having jurisdiction deny said
716 application on unsuitability grounds. Such petition shall operate to stay the application and shall
717 be founded upon a written statement of the reasons for supporting a finding of unsuitability.
718 Upon filing, a copy of the written petition and statement shall be provided to the applicant by the
719 licensing authority. The court shall within 90 days of receiving the filed petition hold a hearing
720 to determine if the applicant for the long gun permit is unsuitable and enter a judgment on
721 suitability. A determination of unsuitability shall be based on a preponderance of the evidence
722 that there is reliable, articulable and credible information that the applicant has exhibited or
723 engaged in behavior that suggests that, if issued a long gun license, the applicant may create a
724 risk to public safety or a risk of danger to self or others. If a court enters a judgment that an
725 applicant is unsuitable, the court shall notify the applicant in writing setting forth the specific
726 reasons for such determination. If a court has not entered a judgement that an applicant is

727 unsuitable within 90 days of the petition, judgment that the applicant is suitable for a long gun
728 permit shall be automatically entered.

729 (d) An applicant aggrieved by a denial of a license or permit under sections 124 to 124B,
730 inclusive, 124E, 125 or 125B may appeal the denial pursuant to section 123C.

731 Section 123A. (a) There shall be a firearm licensing review board, established within the
732 department of criminal justice information services, comprised of 7 members: 1 of whom shall
733 be a member of the department of criminal justice information services appointed by the
734 commissioner and who shall be the chair; 1 of whom shall be the secretary of public safety or
735 their designee; 1 of whom shall be the colonel of state police or their designee; 1 of whom shall
736 be appointed by the Massachusetts Chiefs of Police Association Incorporated; 1 of whom shall
737 be the attorney general or their designee; 1 of whom shall be an attorney with litigation
738 experience in firearm licensing cases and appointed by the governor from a list of qualified
739 persons submitted to the governor by the Massachusetts Bar Association; and 1 of whom shall be
740 a retired member of the judiciary and appointed by the governor.

741 (b) An applicant for a long gun permit pursuant to section 124A, self-defense spray
742 permit pursuant to section 124E or a license to carry pursuant to section 124 or 124B who has
743 been convicted of or adjudicated as a youthful offender or delinquent child by reason of an
744 offense or offenses punishable by 2 ½ years' imprisonment or less when committed under the
745 laws of the commonwealth may, after the passage of 5 years from conviction, adjudication as a
746 youthful offender or a delinquent child, or release from confinement, commitment, probation or
747 parole supervision for such conviction or adjudication, whichever occurs later, file a petition for
748 review of eligibility with the firearm licensing review board; provided, however, that an

749 applicant shall not be eligible to petition the firearm licensing review board pursuant to this
750 section if the applicant was convicted of an assault or battery on a family member or household
751 member, as defined by section 1 of chapter 209A; and provided further, that the determination to
752 be made under clause (e) of said section 1 of said chapter 209A shall be made by the review
753 board.

754 (c) The petitioner shall provide to the board a copy of a completed long gun permit, self-
755 defense spray permit or license to carry application, which application shall have previously been
756 submitted to the licensing authority or be submitted to the licensing authority contemporaneously
757 with the petition filed with the board. The petitioner shall have the burden to prove their
758 suitability to receive a long gun permit, self-defense spray permit or a license to carry by clear
759 and convincing evidence. The board shall set a reasonable filing fee to file the petition.

760 (d) If the board determines, by a 2/3 vote, that: (i) the sole disqualifier for the petitioner is
761 any conviction or adjudication as a youthful offender or a delinquent child for an offense or
762 offenses described in subsection (b); (ii) 5 years has passed since such conviction or adjudication
763 or release from confinement, commitment, probation or parole supervision for such conviction or
764 adjudication, whichever is last occurring; and (iii) by clear and convincing evidence, that the
765 petitioner is a suitable person to be a long gun permit, self-defense spray permit or license to
766 carry holder, the board shall determine that the petitioner's right or ability to possess a firearm is
767 fully restored in the commonwealth with respect to such conviction or adjudication and that such
768 conviction or adjudication shall not prohibit such petitioner from applying to a licensing
769 authority for a long gun permit, self-defense spray permit or license to carry. The board shall
770 make a determination on a petition within 60 days after receipt of the petition.

771 (e) The board shall hold hearings at such times and places as in its discretion it
772 reasonably determines to be required, but not less than once every 90 days, and shall give
773 reasonable notice of the time and place of the hearing to the petitioner. The board shall have the
774 power to compel attendance of witnesses at hearings.

775 (f) All hearings shall be conducted in an informal manner, but otherwise according to the
776 rules of evidence, and all witnesses shall be sworn by the chair. If requested by the petitioner and
777 payment for stenographic services, as determined by the board, accompanies such request, the
778 board shall cause a verbatim transcript of the hearing to be made. The board's decisions and
779 findings of facts therefore shall be communicated in writing to the petitioner and to the licensing
780 authority to whom the petitioner has applied or intends to apply within 20 days of rendering a
781 decision.

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

784 Section 123B. (a) All application fees for licenses and permits issued under sections 124
785 to 124C, inclusive, 124E, 125 or 125B shall be payable to the issuing licensing authority and
786 shall not be prorated or refunded in case of revocation or denial. Notwithstanding any general or
787 special law to the contrary, licensing authorities shall deposit all fees into the specified funds
788 quarterly, not later than January 1, April 1, July 1 and October 1 of each year.

789 (b) Unless otherwise stated in this section the fee for an application or renewal of:

790 (i) any license or permit shall be \$100 of which the licensing authority shall retain \$25 of
791 the fee; \$50 of the fee shall be deposited into the General Fund; provided, that not less than
792 \$50,000 of the total funds deposited into the General Fund shall be allocated to the firearm

793 licensing review board, established in section 123A, for its operations; and provided further, that
794 any funds not expended by said board for its operations shall revert back to the General Fund;
795 and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund
796 established in section 2LLL of chapter 29;

797 (ii) a license to carry firearms issued under sections 124 or 124B for active and retired
798 law enforcement officials or local, state or federal government entities acting on their behalf
799 shall be \$25 of which half shall be retained by the licensing authority and half deposited into the
800 General Fund; and

801 (iii) a long gun permit issued under section 124A for persons under 18 years of age or a
802 self-defense spray permit issued under section 124E shall be \$25 of which 50 per cent shall be
803 retained by the licensing authority and 50 per cent deposited into the General Fund.

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

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

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

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

817 (ii) all pertinent information about the penalties and punishments that may be imposed if
818 the license or permit is not renewed and the applicant remains in possession of any firearms.

819 (f) Notwithstanding any general or special law to the contrary, an expired license to carry
820 firearms issued under sections 124 or 124B or an expired long gun permit issued under section
821 124A shall remain valid for all lawful purposes if:

822 (i) the licensee or permit holder applied for renewal before the license or permit
823 expiration date and shall remain valid until the application for renewal is approved or denied;

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

830 (iii) the expiration period has not yet exceeded 90 days beyond the stated date of
831 expiration, unless such license to carry or long gun permit has been revoked or suspended.

832 (g) Any person in possession of a license to carry issued under sections 124 or 124B or
833 long gun permit issued under section 124A whose respective license or permit is invalid for the

834 sole reason that it has expired, not including licenses and permits that remain valid under
835 subsection (f), and not otherwise disqualified from renewal upon application, shall be subject to a
836 fine of not less than \$100 nor more than \$5,000 and section 10 of chapter 269 shall not apply;
837 provided, however, that this exemption shall not apply if such license or permit: (i) has been
838 revoked or suspended unless such revocation or suspension was caused by failure to give notice
839 of a change of address; (ii) is the subject of pending revocation or suspension unless such
840 revocation or suspension was caused by failure to give notice of a change of address; or (iii) has
841 had an application for renewal denied. Any law enforcement officer who discovers a person to be
842 in possession of a firearm after such person's license or permit has expired, meaning after 90
843 days beyond the stated expiration date on the license or has been revoked or suspended solely for
844 failure to given notice of a change of address, shall confiscate such firearm and the expired or
845 suspended license then in possession and such officer shall forward such license or permit, as
846 soon as practical, to the licensing authority that issued the expired license or permit. The officer
847 shall, at the time of confiscation, provide to the person whose firearm has been confiscated, a
848 written inventory and receipt for all firearms confiscated and the officer shall exercise due care
849 in the handling, holding and storage of these items. Any confiscated firearm shall be considered
850 surrendered and subject to the conditions of section 123D; provided, however, that the
851 confiscated firearm shall be returned to the owner if proof of license or permit reinstatement is
852 provided within 1 year of confiscation. This subsection shall not apply to temporary licenses to
853 carry under section 124B.

854 Section 123C. (a)(1) A licensing authority shall revoke or suspend any license or permit
855 pursuant to sections 124 to 124B, inclusive, 124E, 125 or 125B upon the occurrence of any event
856 which makes the licensee or permit holder a prohibited person as defined in section 123. A

857 licensing authority may also revoke or suspend any license or permit issued pursuant to sections
858 124 to 124B, inclusive, 124E, 125 or 125B upon a subsequent determination of unsuitability as
859 defined in said section 123 or upon satisfactory proof that the licensee has violated or permitted
860 any violation of this chapter; provided, however, that in the case of a long gun permit issued
861 under section 124A, a licensing authority shall file a petition to the district court for suspension
862 or revocation of said permit, and said petition shall effect such suspension or revocation pending
863 a judicial determination of sufficient evidence of unsuitability, which the court shall make within
864 15 days of the filing of the petition, after which the procedures and standards of subsection (c) of
865 section 123 shall apply. A licensing authority may revoke or suspend any license issued under
866 sections 125 or 125B only after due notice to the licensee and reasonable opportunity to be
867 heard.

868 (2) Any revocation or suspension of a license or permit issued under sections 124 to
869 124B, inclusive, 124E, 125 or 125B shall be in writing and shall state the reasons for revocation
870 or suspension. No pendency of proceedings before the court shall operate to stay such revocation
871 or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of
872 the department of criminal justice information services and the commissioner of probation and
873 shall be included in the criminal justice information system. A revoked or suspended license or
874 permit may be reinstated only upon the termination of all disqualifying conditions. If a license to
875 sell issued under section 125 is revoked, the licensee shall be disqualified to receive a license for
876 1 year after the expiration of the term of the license so revoked.

877 (b)(1) Any applicant or licensee aggrieved by a denial, revocation or suspension of a
878 license to sell under section 125 may appeal such denial, revocation or suspension by: (i)
879 applying to the colonel of state police for said license within 10 days of a denial, revocation or

880 suspension, who may direct the licensing authority to grant said license if, after a hearing, the
881 colonel determines that there were no reasonable grounds for the denial, suspension or
882 revocation and that the applicant is not barred by law from holding such a license, or (ii) filing an
883 appeal with the district court having jurisdiction pursuant to paragraph (2) of this subsection.

884 (2) Any applicant, licensee or permit holder aggrieved by a denial, revocation or
885 suspension of a license or permit issued under sections 124 to 124B, inclusive, 124E, 125 or
886 125B may, unless a hearing has previously been held pursuant to chapter 209A within either 90
887 days after receiving notice of the denial, revocation or suspension or within 90 days after the
888 expiration of the time limit during which the licensing authority shall respond to the applicant,
889 file a petition to obtain judicial review in the district court having jurisdiction in the city or town
890 in which the applicant filed the application or in which the license or permit was issued.

891 (3) The district court may order a license or permit be issued or reinstated upon a finding
892 that there was no reasonable ground for denying, suspending or revoking the license and that
893 petitioner is not prohibited by law from possessing the license.

894 Section 123D. (a) Upon revocation, suspension or denial of an application for any license
895 or permit issued pursuant to sections 124 to 124B, inclusive, the person whose application was
896 so revoked, suspended or denied shall, without delay, deliver or surrender to the licensing
897 authority where the person resides all firearms or ammunition which are registered to the person
898 or that the person then possesses and shall report such delivery or surrender to the electronic
899 firearms registration system pursuant to section 122. The person or the person's legal
900 representative shall have the right, at any time up to 1 year after the delivery or surrender, to
901 transfer the firearms and ammunition, notwithstanding the limits on private firearm transfers in

902 section 127B, to a licensed dealer or to a person legally permitted to purchase or take possession
903 of the firearms and ammunition and, upon notification in writing by the purchaser or transferee
904 and the former owner, the licensing authority shall within 10 days deliver the firearms and
905 ammunition to the transferee or purchaser and the licensing authority shall observe due care in
906 the receipt and holding of any such firearm or ammunition; provided, however, that the
907 purchaser or transferee shall affirm in writing that the purchaser or transferee shall not transfer
908 the firearms or ammunition to the former owner; provided, however, that such transfer shall not
909 be permitted if the firearm may be evidence in any pending criminal investigation. The licensing
910 authority shall at the time of delivery or surrender inform the person in writing of their right to
911 request a transfer in accordance with this paragraph.

912 (b) The licensing authority, after taking possession of any firearm or ammunition by any
913 means, may transfer possession for storage purposes to a federally licensed firearms dealer who
914 operates a bonded warehouse on the licensed premises that is equipped with a safe for the secure
915 storage of firearms and a weapon box or similar container for the secure storage of ammunition;
916 provided, however, that the licensing authority shall not transfer to such dealer possession of any
917 firearm or ammunition that may be evidence in any pending criminal investigation. Any such
918 dealer that takes possession of a firearm or ammunition pursuant to this section shall: (i) inspect
919 the firearm or ammunition; (ii) issue to the owner a receipt indicating the make, model, caliber,
920 serial number and condition of each firearm or ammunition so received; and (iii) store and
921 maintain all firearms and ammunition so received in accordance with such regulations, rules or
922 guidelines as the secretary of the executive office of public safety and security may establish
923 under this section. The owner shall be liable to such dealer for reasonable storage charges.

924 (c) Firearms and ammunition not disposed of within 1 year of delivery or surrender
925 pursuant to this section shall be sold at public auction by the colonel of the state police to the
926 highest bidding person legally permitted to purchase and possess said firearms and ammunition
927 and the proceeds shall be remitted to the General Fund.

928 (d) Any such firearm or ammunition that is stored and maintained by a licensed dealer
929 may be so auctioned pursuant to subsection (c) at the direction of: (i) the licensing authority at
930 the expiration of 1 year following initial surrender or delivery to such licensing authority; or (ii)
931 the dealer then in possession, if the storage charges for such firearm or ammunition have been in
932 arrears for 90 days; provided, however, that in either case, title shall pass to the licensed dealer
933 for the purpose of transferring ownership to the auctioneer; provided further, that in either case,
934 after deduction and payment for storage charges and all necessary costs associated with such
935 surrender and transfer, all surplus proceeds, if any, shall be immediately returned to the owner of
936 such firearm or ammunition; provided, however, that any firearm or ammunition identified
937 pursuant to section 122C as having been used to carry out a criminal act and any firearm or
938 ammunition prohibited by law from being owned or possessed within the commonwealth shall
939 not be sold at public auction pursuant to this section and shall instead be destroyed by the colonel
940 of the state police.

941 (e) Unless otherwise required in this chapter, if the licensing authority cannot reasonably
942 ascertain a lawful owner within 180 days of acquisition by the licensing authority, the licensing
943 authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms
944 or ammunition to properly licensed distributors or firearms dealers. The proceeds of the sale or
945 transfer shall be remitted or credited to the municipality in which the licensing authority presides
946 to purchase weapons, equipment or supplies or for violence reduction or suicide prevention;

947 provided, however, that no firearm or ammunition identified pursuant to section 122C as having
948 been used to carry out a criminal act shall be considered surplus, donated, abandoned or junk for
949 the purposes of this section.

950 (f) The licensing authority shall report the delivery or surrender or seizure of firearms and
951 ammunition pursuant to sections 131 to 131H, inclusive, to the department of criminal justice
952 information services via the electronic firearms registration system. The report shall include the
953 following information: (i) date of delivery, surrender or seizure; (ii) make, model, serial number
954 and caliber of the firearm delivered, surrendered or seized and any identifying information for
955 ammunition delivered, surrendered or seized; (iii) grounds for surrender or seizure; (iv) whether
956 the firearm or ammunition is prohibited by law from being owned or possessed in the
957 commonwealth; (v) whether the firearm or ammunition was classified as having been used to
958 carry out a criminal act; (vi) information on the possession, storage, transfer, sale and any
959 income derived therefrom; and (vii) the destruction or other disposition of the firearm or
960 ammunition. Upon submission of this information, the system shall automatically report back to
961 the licensing authority whether the firearm is registered, serialized, reported lost or stolen or
962 potential evidence in a pending criminal investigation.

963 (g) The secretary of the executive office of public safety and security may promulgate
964 rules and regulations as necessary to carry out this section.

965 SECTION 45. Said chapter 140 is hereby further amended by striking out section 124, as
966 so appearing, and inserting in place thereof the following 6 sections:-

967 Section 124. (a) A license to carry firearms shall entitle the holder thereof to purchase,
968 transfer, possess and carry firearms including large capacity firearms and ammunition therefor.

969 This license shall not entitle a holder thereof to transfer, possess or carry large capacity feeding
970 devices or assault-style firearms unless such transfer, possession or carry is permitted under
971 section 128B.

972 (b) Any lawful resident 21 years of age or older residing within the jurisdiction of the
973 licensing authority, any law enforcement officer employed by the licensing authority or any
974 person residing in an area of exclusive federal jurisdiction located within a city or town may
975 submit to the licensing authority an application for a license to carry firearms, or renewal of the
976 same, which the licensing authority shall issue if the licensing authority determines that the
977 applicant is neither a prohibited person nor unsuitable under section 123 to transfer, possess or
978 carry a firearm; provided, however, that upon an initial application for a license to carry firearms,
979 the licensing authority shall conduct a personal interview with the applicant.

980 (c) No person shall be issued a license to carry or possess a machine gun in the
981 commonwealth or be otherwise legally entitled to transfer, possess or carry a machine gun;
982 provided, however, that a licensing authority or the colonel of the state police may issue a
983 machine gun license to: (i) a firearm instructor certified by the municipal police training
984 committee for the sole purpose of firearm instruction to police personnel; or (ii) a bona fide
985 collector of firearms upon application for renewal of such license.

986 (d) No license shall issue under this section unless the applicant submits with their
987 application a basic firearms safety certificate pursuant to section 126.

988 (e) A person issued a license under this section shall report any change of address via the
989 electronic firearm registration system administered by the commissioner of the department of
990 criminal justice information services. Such notification shall be made on said electronic firearms

991 registration system within 30 days of its occurrence. Failure to notify in a timely manner shall be
992 cause for revocation or suspension of said license.

993 (f) A license to carry firearms shall be valid, unless revoked or suspended, for a period of
994 not more than 6 years and shall expire on the anniversary of the licensee's date of birth occurring
995 not less than 5 years nor more than 6 years from the date of issue. Any license issued to an
996 applicant born on February 29 shall expire on March 1.

997 (g) Any person issued a license to carry firearms, who, while in possession of a firearm
998 and not being within the limits of their own property or residence, or any such person whose
999 property or residence is under lawful search, shall on demand of a law enforcement officer,
1000 exhibit their license. Failure to do so may result in the surrender of said person's firearms and
1001 ammunition, which shall be taken into custody pursuant to section 123D; provided, however, that
1002 such firearms and ammunition shall be returned forthwith within 30 days of presenting a valid
1003 license to the appropriate law enforcement agency.

1004 Section 124A. (a) A long gun permit shall entitle the holder to purchase, transfer, possess
1005 and carry common long guns, and the ammunition therefor. A long gun permit shall not entitle a
1006 holder to transfer, possess or carry any other firearm including any large capacity firearm,
1007 semiautomatic rifle or semiautomatic shotgun except under the direct supervision of a holder of a
1008 license to carry firearms at an incorporated shooting club or a licensed shooting range.

1009 (b) Any lawful resident 18 years of age or older residing within the jurisdiction of the
1010 licensing authority or residing in an area of exclusive federal jurisdiction located within a city or
1011 town may submit to the licensing authority an application for a long gun permit, or renewal of
1012 the same, which the licensing authority shall issue if it appears that the applicant is not a

1013 prohibited person and no judicial stay is requested as outlined in section 123. A person aged 15
1014 years or older, but less than 18 years of age may submit an application for a long gun permit and
1015 shall be issued the same only if the applicant meets the requirements of this section and submits
1016 with the application a certificate of a parent or guardian granting the applicant permission to
1017 apply for the permit. A person 14 years of age may submit an application for a long gun permit
1018 but the applicant shall not be issued the permit until they reach 15 years of age.

1019 (c) No permit shall be issued under this section unless the applicant submits with their
1020 application a basic firearms safety certificate required pursuant to section 126.

1021 (d) A person issued a permit under this section shall report any change of address via the
1022 electronic firearm registration system administered by the commissioner of the department of
1023 criminal justice information services. Such notification shall be made on the portal within 30
1024 days of its occurrence. Failure to notify in a timely manner shall be cause for revocation or
1025 suspension of said permit.

1026 (e) A permit shall be valid, unless revoked or suspended, for a period of not more than 6
1027 years and shall expire on the anniversary of the permit holder's date of birth occurring not less
1028 than 5 years nor more than 6 years from the date of issue. Any permit issued to an applicant born
1029 on February 29 shall expire on March 1.

1030 (f) Any person issued a permit under this section, who, while in possession of a firearm
1031 and not being within the limits of their own property or residence, or any such person whose
1032 property or residence is under lawful search, shall on demand by a law enforcement officer,
1033 exhibit a permit authorizing possession of such firearms. Failure to do so may result in the
1034 surrender of all firearms and ammunition therefor which shall be taken into custody pursuant to

1035 section 123D; provided, however, that such firearms and ammunition shall be returned forthwith
1036 upon the presentation within 30 days of a valid long gun permit.

1037 Section 124B. (a) A temporary license to carry firearms or ammunition within the
1038 commonwealth shall be issued by the colonel of the state police or their designee in accordance
1039 with the qualification requirements and procedures for a license to carry firearms issued under
1040 section 124, to:

1041 (i) a resident of the commonwealth for purposes of sports competition;

1042 (ii) a nonresident for purposes of a firearm competition;

1043 (iii) a nonresident who is in the employ of a bank, public utility corporation, or a firm
1044 engaged in the business of transferring monies, or business of a similar nature, or a firm licensed
1045 as a private detective under chapter 147, and whose application is endorsed by an employer; or

1046 (iv) a nonresident who is a member of the armed services and is stationed within the
1047 territorial boundaries of the commonwealth and has the written consent of their commanding
1048 officer.

1049 (b) A temporary license to possess a machine gun within the commonwealth, may be
1050 issued by the colonel of the state police or their designee in accordance with the qualification
1051 requirements and procedures for a license to carry a machine gun issued under section 124 to a
1052 nonresident employee of a federally licensed manufacturer of machine guns for the purpose of
1053 transporting or testing relative to the manufacture of machine guns, and whose application is
1054 endorsed by their employer.

1055 (c) A temporary license issued under clauses (i) and (ii) of subsection (a) shall be valid
1056 for a period of 1 year and may be renewed, if necessary, by the colonel or their designee. A
1057 temporary licensed issued under clauses (iii) and (iv) of subsection (a) and under subsection (b)
1058 may be issued for any term not to exceed 2 years and shall expire in accordance with the terms in
1059 section 123B.

1060 (d) The colonel or their designee may permit a licensee under this section to possess a
1061 large capacity firearm and large capacity feeding device; provided, however, that this entitlement
1062 shall be clearly indicated on the license and such large capacity firearm shall not be an assault-
1063 style firearm prohibited by section 128B, and such large capacity feeding device shall be used in
1064 accordance with section 128B.

1065 (e) A temporary license issued pursuant to this section shall clearly be marked as such
1066 and may not be used to purchase a firearm or ammunition without a valid permit to purchase
1067 issued under section 124C, or otherwise transfer firearms or ammunition within the
1068 commonwealth.

1069 Section 124C. (a) A person with a temporary license issued under section 124B shall not
1070 purchase, rent or lease a firearm or ammunition in the commonwealth without a valid permit to
1071 purchase issued under this section. A person with a temporary license issued under section 124B,
1072 shall apply to the colonel of the state police or their designee for a permit to purchase, rent or
1073 lease a firearm or ammunition therefor which may be granted if it appears that such purchase,
1074 rental or lease is not for an unlawful purpose. A permit to purchase shall be valid for not more
1075 than 10 days after issue and may be revoked at will.

1076 (b) Whoever knowingly issues a permit in violation of this section shall be punished by a
1077 fine of not less than \$500 nor more than \$1,000 and by imprisonment for not less than 6 months
1078 nor more than 2 years in the house of correction.

1079 Section 124D. Sections 126, 128A and 129 shall not apply to stun guns. The secretary of
1080 public safety and security shall promulgate regulations restricting access or use of stun guns by
1081 non-licensed persons and establishing minimum safety and quality standards, safe storage
1082 requirements, education and safety training requirements and law enforcement training on the
1083 appropriate use of stun guns, which shall require that any stun gun purchased or used by a law
1084 enforcement or public safety official include a mechanism for tracking the number of times the
1085 stun gun has been fired.

1086 Section 124E. (a) No person under 18 years of age may purchase or possess self-defense
1087 spray without a self-defense spray permit issued by a licensing authority. This permit shall be
1088 valid to purchase and possess self-defense spray, including all chemical mace, pepper spray or
1089 other similarly propelled liquid, gas or powder designed to temporarily incapacitate.

1090 (b) A local licensing authority may issue to a person at least 15 years of age but less than
1091 18 years a self-defense spray permit if the person is not a prohibited person or unsuitable under
1092 section 123. A self-defense spray permit shall be issued for the sole purpose of purchasing and
1093 possessing self-defense spray and shall clearly state that it is valid for such limited purpose only.
1094 This permit may be issued to a person under the age of 15 if the applicant submits with their
1095 application a certificate from the applicant's parent or guardian granting permission to apply for
1096 this permit.

1097 (c) Whoever, not being licensed as provided in section 125, sells self-defense spray shall
1098 be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for
1099 not more than 2 years. Whoever licensed under section 125, sells self-defense spray to a person
1100 younger than 18 years of age who does not have a self-defense spray permit, shall be punished
1101 by a fine of not more than \$300.

1102 (d) A person under 18 years of age who purchases or possesses self-defense spray and
1103 who does not have a self-defense spray permit shall be punished by a fine of not more than \$300.

1104 (e) A self-defense spray permit shall be valid for a period of 3 years and shall expire on
1105 the anniversary of the permit holder's date of birth occurring not less than 3 years nor more than
1106 4 years from the date of issue. Any permit issued to an applicant born on February 29 shall
1107 expire on March 1.

1108 SECTION 46. Said chapter 140 is hereby further amended by striking out section 125, as
1109 so appearing, and inserting in place thereof the following 4 sections:-

1110 Section 125. (a) A licensing authority may grant a license to sell, rent, lease, purchase or
1111 otherwise transfer firearms and ammunition therefor, or to be in business as a gunsmith, to any
1112 person 21 years of age or older who is neither a prohibited person nor deemed unsuitable to be
1113 issued said license pursuant to section 123 and who completes the online dealer training classes
1114 mandated under subsection (b) of section 126A.

1115 (b) Licensees shall maintain a business premise that is not a residential dwelling wherein
1116 all transactions shall be conducted and wherein all records shall be kept. A license to sell shall
1117 not entitle the holder thereof to possess or carry any firearm or ammunition outside of the
1118 licensed business premises. A license to sell shall not authorize a licensee to carry a firearm at

1119 any place outside their licensed place of business. The licensee may request a transfer of a
1120 license to sell from 1 location to another within the city or town of the licensing authority's
1121 jurisdiction and such request shall be granted at the discretion of the licensing authority, upon the
1122 same terms and conditions upon which the license was originally granted. A license to sell may
1123 not be transferred to any other person or entity.

1124 (c) Licensees shall display their license to sell or a copy thereof, certified by the licensing
1125 authority, in a position where it can be easily read; provided, however, that no firearm shall be
1126 displayed in any outer window of the business premises or in any other place where it can be
1127 readily seen from outside the business premises.

1128 (d) Licensees shall conspicuously post and distribute at each purchase counter a notice
1129 providing information on: (i) safe transportation and storage of firearms developed and provided
1130 by the department of criminal justice information services who shall develop and maintain on its
1131 website for download a sign providing such information; and (ii) suicide prevention developed
1132 and provided by the division on violence and injury prevention within the department of public
1133 health who shall develop and make available on its website for download a sign providing the
1134 information on suicide prevention.

1135 (e) A license to sell firearms shall expire 3 years from the date of issuance.

1136 Section 125A. (a) As used in this section "licensee" shall mean a person with a license to
1137 sell under section 125.

1138 (b) Prior to any transfer a licensee shall verify the status of any license, permit or
1139 exemption documentation including a verification that the person presenting the license, permit
1140 or documentation is the lawful holder thereof. No transfer of any firearm or ammunition shall be

1141 made to any person not in possession of the required license, permit or exemption documentation
1142 at the time of the transaction.

1143 (c) Upon being presented with an expired, suspended or revoked license or permit a
1144 licensee shall:

1145 (i) immediately report all firearm transfers and transactions to the department of criminal
1146 justice information services using its electronic firearms registration system, including, but not
1147 limited to, all information recorded pursuant to subsection (d);

1148 (ii) take possession of such card or license and immediately forward the same to the
1149 licensing authority for the city or town where the licensee conducts business;

1150 (iii) issue the license or permit holder a receipt, in a form provided by the commissioner
1151 of the department of criminal justice information services, which shall state that the holder's
1152 license or permit is expired, suspended or revoked, was taken by the licensee, and forwarded to
1153 the licensing authority, and which shall be valid for 90 days for the purpose of providing
1154 immunity from prosecution under section 10 of chapter 269; and

1155 (iv) notify the license or permit holder of their duty to surrender their firearms forthwith
1156 to their local licensing authority under section 123D.

1157 The licensee shall be immune from civil and criminal liability for good faith compliance
1158 with the provisions herein.

1159 (d) The licensee shall make and keep an on-site or electronic record of all firearm
1160 transactions and said record shall be open at all times to the inspection of the police. Before

1161 transfer or delivery of any sold, rented, leased or otherwise transferred firearm or ammunition, a
1162 legible entry in the on-site or electronic record shall be made and kept specifying:

1163 (i) the complete description of the firearm and ammunition transferred, including the
1164 make, serial number, type of firearm and designation as a large capacity firearm, if applicable;

1165 (ii) whether the firearm or ammunition has been sold, rented or leased and the date of
1166 such transaction;

1167 (iii) the license or permit identification number of the person acquiring the firearm, or
1168 ammunition along with their sex, residence address and occupation; and

1169 (iv) the purchaser, renter or lessee's name as personally written by said person in the
1170 sales record book and as confirmed by valid state or federal identification.

1171 (e) Licensees shall, immediately upon notice of any loss or theft of a firearm or
1172 ammunition from the licensee or licensee's business premises immediately report such loss or
1173 theft to the department of criminal justice information services via the electronic firearms
1174 registration system created pursuant to section 122.

1175 (f) A licensee may sell or transfer firearms, and ammunition at any regular meeting of an
1176 incorporated collectors club or at a gun show open to the general public; provided, however, that
1177 a licensee shall comply with all other provisions of this section and that such sale or transfer is in
1178 conformity with both federal and state law and regulations.

1179 (g) No licensee shall fill an order for any firearm or ammunition received by mail,
1180 facsimile, telephone, internet or other telecommunication unless such transaction includes the in-
1181 person presentation of the required license, permit or documentation as required herein prior to

1182 any sale, delivery or any form of transfer or possession. Transactions between federally licensed
1183 dealers shall be exempt from this subsection.

1184 (h) Licensees shall ensure that all firearms and ammunition shall be unloaded when
1185 delivered and that delivery shall be only made to a person properly licensed, permitted or
1186 exempted to possess the firearms or ammunition included in the delivery.

1187 (i) Any licensee, and any employee or agent of such a licensee, who violates this section
1188 shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment
1189 for not less than 1 year nor more than 10 years, or by both such fine and imprisonment.

1190 (j) The department of state police shall enter the business premises of any licensee 1 time
1191 per calendar year during regular business hours and shall make inquiries and inspect the
1192 licensee's records, inventory, policies and procedures for the purpose of enforcing the provisions
1193 of this section. Licensees found to be in violation of this section shall be subject to the
1194 suspension or revocation of their license to sell. The department of the state police shall
1195 promulgate rules and regulations to effectuate the purposes of this subsection. Nothing herein
1196 shall prohibit any other law enforcement agency from conducting such inspections pursuant to a
1197 valid search warrant issued by a court of competent jurisdiction.

1198 Section 125B. (a) A lawfully incorporated sporting or shooting club shall, upon
1199 application, be licensed by the colonel of the state police or their designee to sell or supply
1200 ammunition for regulated shooting on their premises, such as for skeet, target or trap shooting;
1201 provided, however, that such club license shall, on behalf of said club, be issued to and exercised
1202 by an officer or duly authorized member of the club who themselves possess a license to carry
1203 firearms and who would not be disqualified to receive a license to sell in their own right. This

1204 license shall be subject to the same terms, conditions and qualifications of a license to sell issued
1205 under section 125.

1206 (b) A club or facility, incorporated under the laws of the commonwealth, with an on-site
1207 shooting range or gallery, may be licensed by the colonel of the state police, after an
1208 investigation, for the possession, storage and use of large capacity firearms and ammunition
1209 therefor for use on the premises of the club; provided, however that not less than 1 shareholder of
1210 the club shall be qualified and suitable to be issued a license to carry under section 124; and
1211 provided further, that such large capacity firearms may be used under the club license only by a
1212 member that possesses a valid license to carry firearms issued pursuant to section 124, or by such
1213 other person that the club permits while under the direct supervision of a certified firearms safety
1214 instructor or club member who possesses a valid license to carry firearms.

1215 (c) The club shall:

1216 (i) not permit shooting at targets that depict human figures, human effigies, human
1217 silhouettes or any human images thereof, except by public safety personnel performing in line
1218 with their official duties;

1219 (ii) not allow the removal of any large capacity firearm from the premises except as
1220 permitted by law in order to: (A) transfer to a licensed dealer; (B) transport to a licensed
1221 gunsmith for repair; (C) transport to target, trap or skeet shoot on the premises of another club
1222 incorporated under the laws of the commonwealth; (D) transport to attend an exhibition or
1223 educational project or event that is sponsored by, conducted under the supervision of or approved
1224 by a public law enforcement agency or a national or state recognized entity that promotes

1225 proficiency in or education about semiautomatic weapons; (E) hunt pursuant to chapter 131; or
1226 (F) surrender the firearm pursuant to section 121C;

1227 (iii) secure in a locked container and unload during any lawful transport all large capacity
1228 firearms or feeding devices kept on the premises when not in use;

1229 (iv) annually file a report with the colonel of the state police and the commissioner of the
1230 department of criminal justice information services listing all large capacity firearms and large
1231 capacity feeding devices owned or possessed under the license; and

1232 (v) permit the colonel to inspect all firearms owned or possessed by the club upon request
1233 during regular business hours.

1234 Section 125C. (a) No licensee under section 125 shall sell, rent, lease or otherwise
1235 transfer any firearm described in this section except to a business entity that is primarily a
1236 firearm wholesaler, and such transfer shall, by its terms, prohibit the purchaser from reselling
1237 such firearm to a firearm retailer or consumer in the commonwealth. This section shall apply to:

1238 (i) a firearm that has a frame, barrel, cylinder, slide or breechblock that is composed of:
1239 (A) any metal having a melting point of less than 900 degrees Fahrenheit; (B) any metal having
1240 an ultimate tensile strength of less than 55,000 pounds per square inch; or (C) any powdered
1241 metal having a density of less than 7.5 grams per cubic centimeter. This clause shall not apply to
1242 any make and model of a firearm for which a sample of 3 firearms in new condition all pass the
1243 following test: each of the 3 samples shall fire 600 rounds, stopping every 100 rounds to tighten
1244 any loose screws and to clean the gun if required by the cleaning schedule in the user manual,
1245 and as needed to refill the empty magazine or cylinder to capacity before continuing. For any
1246 firearm that is loaded in a manner other than via a detachable magazine, the tester shall also

1247 pause every 50 rounds for 10 minutes. The ammunition used shall be the type recommended by
1248 the firearm manufacturer in its user manual or, if none is recommended, any standard of
1249 ammunition of the correct caliber in new condition. A firearm shall pass this test if it fires the
1250 first 20 rounds without a malfunction, fires the full 600 rounds with not more than 6
1251 malfunctions and completes the test without any crack or breakage of an operating part of the
1252 firearm that does not increase the danger of injury to the user. For purposes of this clause
1253 “malfunction” shall mean any failure to feed, chamber, fire, extract or eject a round or any
1254 failure to accept or eject a magazine or any other failure which prevents the firearm, without
1255 manual intervention beyond that needed for routine firing and periodic reloading, from firing the
1256 chambered round or moving a new round into position so that the firearm is capable of firing the
1257 new round properly. “Malfunction” shall not include a misfire caused by a faulty cartridge the
1258 primer of which fails to detonate when properly struck by the firearm’s firing mechanism;

1259 (ii) a firearm that is prone to accidental discharge which, for purposes of this clause, shall
1260 mean any make and model of firearm for which a sample of 5 firearms in new condition all
1261 undergo, and none discharge during, the following test: each of the 5 sample firearms shall be:
1262 (A) test loaded; (B) set so that the firearm is in a condition such that pulling the trigger and
1263 taking any action that shall simultaneously accompany the pulling of the trigger as part of the
1264 firing procedure would fire the firearm; and (C) dropped onto a solid slab of concrete from a
1265 height of 1 meter from each of the following positions: (1) normal firing position; (2) upside
1266 down; (3) on grip; (4) on the muzzle; (5) on either side; and (6) on the exposed hammer or striker
1267 or, if there is no exposed hammer or striker, the rearmost part of the firearm. If the firearm is
1268 designed so that its hammer or striker may be set in other positions, each sample firearm shall be
1269 tested as above with the hammer or striker in each such position but otherwise in such condition

1270 that pulling the trigger, and taking any action that shall simultaneously accompany the pulling of
1271 the trigger as part of the firing procedure, would fire the firearm. Alternatively, the tester may
1272 use additional sample firearms of the same make and model, in a similar condition, for the test of
1273 each of these hammer striker settings;

1274 (iii) a firearm that is prone to: (A) firing more than once per pull of trigger; or (B)
1275 explosion during firing; and

1276 (iv) a firearm that has a barrel less than 3 inches in length, unless the licensee discloses in
1277 writing, prior to the transaction, to the prospective buyer, lessee or transferee the limitations of
1278 the accuracy of the particular make and model of the subject firearm, by disclosing the make and
1279 model's average group diameter test result at 7 yards, average group diameter test result at 14
1280 yards and average group diameter test result at 21 yards. For purpose of this clause, "average
1281 group diameter test result" shall mean the arithmetic mean of three separate trials, each
1282 performed as follows on a different sample firearm in new condition of the make and model at
1283 issue. Each firearm shall fire 5 rounds at a target from a set distance and the largest spread in
1284 inches between the centers of any of the holes made in the test target shall be measured and
1285 recorded. This procedure shall be repeated 2 more times on the firearm. The arithmetic mean of
1286 each of the 3 recorded results shall be deemed the result of the trial for that particular sample
1287 firearm. The ammunition used shall be the type recommended by the firearm manufacturer in its
1288 user manual, if none is recommended, any standard ammunition of the correct caliber in new
1289 condition.

1290 (b) Subsection (a) shall not apply to: (i) a firearm lawfully owned or possessed under a
1291 license issued under this chapter on or before October 21, 1998; (ii) a stun gun; or (iii) a firearm

1292 designated by the secretary of public safety, with the advice of the firearm control advisory
1293 board, established pursuant to section 128, as a firearm solely designed and sold for formal target
1294 shooting competition or for Olympic shooting competition and listed on the rosters pursuant to
1295 section 128A.

1296 (c) Any licensee and any employee or agent of such a licensee who violates this section
1297 shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment
1298 for not less than one year nor more than 10 years, or by both such fine and imprisonment.

1299 SECTION 47. Said chapter 140 is hereby further amended by striking out section 126, as
1300 so appearing, and inserting in place thereof the following 4 sections:-

1301 Section 126. (a) Any person applying for the issuance of a license or permit under
1302 sections 124 to 124B, inclusive, shall, in addition to the requirements set forth in this chapter,
1303 submit to the licensing authority a basic firearms safety certificate; provided, however, that a
1304 certificate issued under section 14 of chapter 131 evidencing satisfactory completion of a hunter
1305 education course shall serve as a valid substitute for a basic firearms safety certificate required
1306 under this section for the issuance of a long gun permit. Persons lawfully possessing a firearm
1307 identification card or license to carry firearms on August 1, 2024, shall be exempt from this
1308 section upon expiration of such card or license and when applying for renewal of such licensure
1309 as required under this chapter. No application for the issuance of a long gun permit or license to
1310 carry shall be accepted or processed by the licensing authority without such certificate attached
1311 thereto; provided, however, that this section shall not apply to: (i) any officer, agent or employee
1312 of the commonwealth or any state of the United States; (ii) any member of the military or other
1313 service of any state or of the United States; (iii) any duly authorized law enforcement officer,

1314 agent or employee of any municipality of the commonwealth; provided, however, that any such
1315 person described in clauses (i) to (iii), inclusive, shall be authorized by a competent authority to
1316 carry or possess the firearm so carried or possessed and shall be acting within the scope of their
1317 duties.

1318 (b)(i) The colonel of state police, in consultation with the municipal police training
1319 committee, shall promulgate rules and regulations governing the issuance and form of basic
1320 firearms safety certificates required pursuant to this section, including minimum requirements for
1321 course curriculum and the contents of any written examination. The colonel shall create a written
1322 examination and establish minimum requirements to pass said examination which shall be used
1323 in all firearm safety courses or programs mandated under this section.

1324 (ii) The colonel shall further certify certain persons as firearms safety instructors, certify
1325 safety course curriculum and annually update and post on the department of state police's
1326 website a list of approved instructors. Certification as a firearm safety instructor shall be valid for
1327 a period of 10 years, unless sooner revoked by reason of unsuitability, in the discretion of said
1328 colonel. Firearms safety instructors shall be any person certified by a nationally recognized
1329 organization that fosters safety in firearms, or any other person in the discretion of said colonel,
1330 to be competent to give instruction in a basic firearms safety course. Applicants for certification
1331 as instructors under this section shall not be exempt from the requirements of this chapter or any
1332 other law or regulation of the commonwealth or the United States. Upon application to the
1333 colonel of state police, said colonel may, in their discretion, certify as a firearms safety instructor
1334 any person who operates a firearms safety course or program which provides in its curriculum:
1335 (a) the safe use, handling and storage of firearms; (b) methods for securing and childproofing
1336 firearms; (c) the applicable laws relating to the possession, transportation and storage of

1337 firearms; (d) knowledge of operation, potential dangers and basic competency in the ownership
1338 and use of firearms; (e) injury prevention and harm reduction education; (f) active shooter and
1339 emergency response training; (g) applicable laws relating to the use of force; (h) de-escalation
1340 and disengagement tactics; and (i) live firearms training.

1341 (iii) The department of state police may impose a fee of \$50 for initial issuance of such
1342 certification to offset the cost of certifying instructors. The fee for certification renewal shall be
1343 \$10.

1344 (c)(i) Any firearms safety instructor certified under this section may, in their discretion,
1345 issue a basic firearms safety certificate to any person who successfully completes the
1346 requirements of a basic firearms safety course approved by the colonel. No firearms safety
1347 instructor shall issue or cause to be issued any basic firearms safety certificate to any person who
1348 fails to meet minimum requirements of the prescribed course of study including, but not limited
1349 to, demonstrated competency in the use of firearms through class participation, satisfactory
1350 completion of the written examination as prescribed by the colonel and live firearms training.

1351 (ii) Firearms safety instructors certified under this section shall forward to the department
1352 of criminal justice information services copies of basic firearms safety course certificates issued,
1353 which shall include a certification of each person's satisfactory completion of the basic firearms
1354 safety course and competency in the ownership and use of firearms. Upon receipt, the
1355 department of criminal justice information services shall forward a copy of such certificate to the
1356 applicant.

1357 (iii) Licensing authorities shall require a copy of such certificate to be provided
1358 concurrently with an application for a license or permit and may make inquiry to the department

1359 of criminal justice information services to confirm the issuance to the applicant of a basic
1360 firearms safety certificate.

1361 (d) Any person applying for issuance of a license or permit under sections 124 to 124B,
1362 inclusive, who knowingly files or submits a basic firearms safety certificate to a licensing
1363 authority which contains false information shall be punished by a fine of not less than \$1,000 nor
1364 more than \$5,000 or by imprisonment for not more than 2 years in a house of correction, or by
1365 both such fine and imprisonment.

1366 (e) Any firearms safety instructor who knowingly issues a basic firearms safety certificate
1367 to a person who has not successfully completed a firearms safety course approved by the colonel
1368 shall be punished by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for
1369 not more than 2 years in a house of correction, or by both such fine and imprisonment.

1370 (f) The colonel of state police shall produce and distribute public service announcements
1371 to encourage and educate the general public about: (i) safe storage and transportation of weapons
1372 as outlined in sections 126B and 126C; and (ii) the importance of firearms safety education and
1373 training, including information on places and classes that a person may attend to obtain firearms
1374 safety education and training.

1375 Section 126A. (a) Licensing authorities shall participate in training seminars as
1376 prescribed by the executive office of public safety and security which shall include, but shall not
1377 be limited to, instruction on: (i) current laws, regulations and rules relating to this chapter; (ii)
1378 licensing responsibilities; (iii) record keeping obligations; (iv) firearm surrender, registration and
1379 tracing; and (v) electronic database use. Regulations prescribed by the executive office of public
1380 safety and security may include penalties for non-compliance which may include review by the

1381 Massachusetts Peace Officers Standards and Training Commission, established in section 2 of
1382 chapter 6E.

1383 (b) Any person making an application for the issuance of a license to sell or renewal
1384 thereof under section 125 shall, in addition to the requirements set forth in this chapter, complete
1385 a dealer training program developed and offered online by the executive office of public safety
1386 and security. No application for the issuance of a license to sell shall be accepted or processed by
1387 the licensing authority without a certification of program completion.

1388 (c) The curriculum for the training program pursuant to subsection (b) shall include: (i)
1389 uniform standards of security for business premises; (ii) employee background check and
1390 training requirements; and (iii) information on requirements and conditions contained in sections
1391 122 to 130E, inclusive, and other laws the executive office, in its discretion, deems relevant.

1392 (d) The executive office of public safety and security shall promulgate rules and
1393 regulations to implement this section.

1394 Section 126B. (a) No person shall possess a loaded firearm under a license or permit
1395 issued under sections 124 to 124B, inclusive, or through an exemption under sections 127 or
1396 127A, in a vehicle unless the firearm is under the direct control of the person. Whoever violates
1397 this subsection shall be punished by a fine of \$500.

1398 (b) No person shall possess a large capacity firearm or machine gun under a license or
1399 permit issued under sections 124 to 124B, inclusive, or through an exemption under sections 127
1400 or 127A, in a vehicle unless it is unloaded and secured in a locked container as defined in section
1401 121. Whoever violates this subsection shall be punished by a fine of not less than \$500 nor more
1402 than \$5,000.

1403 (c) This section shall not apply to: (i) an officer, agent or employee of the
1404 commonwealth, any state or the United States; (ii) a member of the military or other service of
1405 any state or of the United States; (iii) a duly authorized law enforcement officer, agent or
1406 employee of a municipality of the commonwealth; provided, however, that a person described in
1407 clauses (i) to (iii), inclusive, shall be authorized by a competent authority to carry or possess the
1408 weapon so carried or possessed and shall be acting within the scope of the person's official
1409 duties.

1410 (d) A conviction of a violation of this section shall be reported immediately by the court
1411 or magistrate to the issuing licensing authority. The licensing authority shall immediately revoke
1412 the license or permit of the person convicted of a violation of this section. No new license or
1413 permit may be issued to a person convicted of a violation of this section until 1 year after the
1414 date of revocation of the license or permit.

1415 Section 126C. (a) It shall be unlawful to store or keep any firearm in any place unless
1416 such firearm is secured in a locked container or equipped with a tamper-resistant mechanical
1417 lock or other safety device, properly engaged so as to render the firearm inoperable by any
1418 person other than the owner or other lawfully authorized user. For purposes of this section, such
1419 firearm shall not be deemed stored or kept if carried by or under the direct control of the owner
1420 or other lawfully authorized user.

1421 (b) A violation of this section shall be punished, in the case of any firearm that is not a
1422 large capacity firearm or a machine gun, by a fine of not less than \$1,000 nor more than \$7,500
1423 or by imprisonment for not more than 1½ years or by both such fine and imprisonment and, in
1424 the case of a large capacity firearm or machine gun, by a fine of not less than \$2,000 nor more

1425 than \$15,000 or by imprisonment for not less than 1½ years nor more than 12 years or by both
1426 such fine and imprisonment.

1427 (c) A violation of this section shall be punished, in the case of a common long gun that
1428 was stored or kept in a place where a person younger than 18 years of age who does not possess
1429 a valid long gun permit issued under section 124A may have access without committing an
1430 unforeseeable trespass, by a fine of not less than \$2,500 nor more than \$15,000 or by
1431 imprisonment for not less than 1½ years nor more than 12 years or by both such fine and
1432 imprisonment.

1433 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is a
1434 large capacity firearm or a semiautomatic firearm, or any other firearm that was stored or kept in
1435 a place where a person younger than 18 years of age may have access without committing an
1436 unforeseeable trespass, by a fine of not less than \$10,000 nor more than \$20,000 or by
1437 imprisonment for not less than 4 years nor more than 15 years or by both such fine and
1438 imprisonment.

1439 (e) A violation of this section shall be evidence of wanton or reckless conduct in any
1440 criminal or civil proceeding if a person under the age of 18 who was not a trespasser or was a
1441 foreseeable trespasser acquired access to a firearm, unless such person possessed a valid long
1442 gun permit issued under section 124A and was permitted by law to possess such firearm, and
1443 such access results in the personal injury to or the death of any person.

1444 SECTION 48. Said chapter 140 is hereby further amended by striking out section 127, as
1445 so appearing, and inserting in place thereof the following 3 sections:-

1446 Section 127. (a) Possession of a firearm or ammunition for a particular purpose and
1447 limited time without being duly licensed or permitted under sections 124 to 124B, inclusive,
1448 shall be permitted by:

1449 (i) a person voluntarily surrendering the firearm or ammunition to a licensing authority
1450 pursuant to section 123D or to the colonel of the state police pursuant to section 121C;

1451 (ii) a resident of the commonwealth returning after having been absent from the
1452 commonwealth for not less than 180 consecutive days or any new resident moving to the
1453 commonwealth, only with respect to any firearm or ammunition then in their possession prior to
1454 moving or return, for 60 days after such return or entry into the commonwealth; or

1455 (iii) an heir or devisee upon the death of the legal owner of the firearm or ammunition for
1456 not more than 60 days after said firearm or ammunition is transferred into their possession and
1457 who shall also be permitted to sell or otherwise transfer said firearm or ammunition to a duly
1458 licensed person within this time period pursuant to section 127B.

1459 (b) Possession of a firearm or ammunition while under direct supervision of an individual
1460 licensed under section 124 to 124B, inclusive, and only for a particular purpose and limited time
1461 without being duly licensed or permitted under said sections 124 to 124B, inclusive, is permitted
1462 by:

1463 (i) a retail customer for the purpose of firing at duly licensed target concessions at
1464 amusement parks, piers and similar locations; provided, that the firearms to be so used shall be
1465 firmly chained or affixed to the counter and shall be under the direct supervision of a duly
1466 licensed or permitted proprietor or employee thereof;

1467 (ii) a professional photographer or writer for examination purposes while in the pursuit of
1468 their profession or during the course of any television, movie, stage or other similar theatrical
1469 production; provided, however, that they are at all times under the immediate supervision of a
1470 holder of a license to carry or, in the case of common long guns only, a long gun permit;

1471 (iii) a person within the course of any television, movie, stage or similar theatrical
1472 production while under the immediate supervision of a person licensed to carry firearms and only
1473 in regard to the possession of a firearm and blank ammunition; or

1474 (iv) a person in the presence of a holder of the necessary license or permit for the purpose
1475 of examination, trial or instruction.

1476 (c) Common carriers and their duly authorized employees and agents, may possess non
1477 large capacity firearms and ammunition therefor without being duly licensed or permitted under
1478 said sections 124 to 124B, inclusive, while performing the regular and ordinary transport of
1479 firearms as merchandise for customers duly licensed to permit such transport so long as they
1480 abide by all storage and transportation requirements set forth in section 126B and 126C.

1481 (d) Notwithstanding section 130E, banks or institutional lenders and their duly authorized
1482 employees and agents, may possess and transfer non large capacity firearms and ammunition
1483 therefor as collateral for a secured commercial transaction or as a result of a default thereof
1484 without being duly licensed or permitted under said sections 124 to 124B, inclusive.

1485 (e) Other organizations and their duly authorized employees and agents, may purchase,
1486 transfer and possess non large capacity firearms and ammunition therefor for a particular purpose
1487 and limited time without being duly licensed or permitted under this chapter if they are:

1488 (i) a federally licensed firearms manufacturer or wholesale dealer or their employees or
1489 agents may possess firearms and ammunition therefor when their possession is necessary for
1490 manufacture, display, storage, transport, installation, inspection, or testing;

1491 (ii) federal, state and local historical societies, museums, and institutional collections
1492 open to the public may possess firearms and ammunition therefor; provided, that such firearms
1493 shall be unloaded and properly housed and secured from unauthorized handling and further
1494 provided that the requirements for sales in section 127B are met; or

1495 (iii) a veteran's organization chartered by the congress of the United States, chartered by
1496 the commonwealth or recognized as a nonprofit tax-exempt organization by the internal revenue
1497 service and its members may possess firearms and ammunition; provided, however, that
1498 members may only possess unloaded large capacity rifles or unloaded large capacity shotguns or
1499 large capacity rifles or large capacity shotguns that are loaded with blank cartridges and which
1500 contain no projectile within the blank or the bore or chamber; and provided further, that all
1501 possession by members of veteran's organizations shall be limited to official parade duty or
1502 ceremonial occasions.

1503 (f) A person in the military or other service of any state or of the United States, and
1504 police officers and other peace officers of any jurisdiction, may purchase, sell, or otherwise
1505 transfer and possess non-large capacity firearms and ammunition therefor without being duly
1506 licensed or permitted under this chapter while in the performance of their official duty or when
1507 duly authorized to possess them by their employing agency; provided, that the requirements for
1508 sales in section 127B are met. Upon purchase, a person exempted under this subsection shall
1509 submit to the seller full and clear proof of identification, including shield number, serial number,

1510 military or governmental order or authorization, military or other official identification, as
1511 applicable.

1512 (g) A person may furnish a minor under the age of 18 with a firearm for hunting,
1513 instruction, recreation and participation in shooting sports provided that the person holds the
1514 appropriate license or permit, or a duly commissioned officer, noncommissioned officer or
1515 enlisted member of the United States army, navy, marine corps, air force or coast guard, or the
1516 national guard or military service of the commonwealth or reserve components thereof, while in
1517 performance of their duty.

1518 (h) No license or permit under this chapter shall be required for a legal resident of the
1519 commonwealth over the age of 18 to carry or possess:

1520 (i) a firearm known as a detonator and commonly used on vehicles as a signaling and
1521 marking device and only when carried or possessed for such purposes; or

1522 (ii) any device used exclusively for signaling or distress use and required or
1523 recommended by the United States Coast Guard or the Interstate Commerce Commission, or for
1524 the firing of stud cartridges, explosive rivets or similar industrial ammunition.

1525 (i) Nothing in this section shall supersede the firearm registration and serialization
1526 requirements pursuant to sections 122 and 122A.

1527 Section 127A. (a) A nonresident who is at least 18 years of age may possess common
1528 long guns and ammunition therefor pursuant to subsection (b) if the nonresident has a permit or
1529 license issued from their state of residence which has substantially similar requirements to those

1530 of the commonwealth for a long gun permit as determined by the colonel of the state police
1531 pursuant to subsection (f).

1532 (b) A nonresident who is at least 18 years of age may possess common long guns and
1533 ammunition therefor: (i) to hunt during hunting season with a nonresident hunting license or a
1534 hunting license or permit lawfully issued from their state of residence which has substantially
1535 similar requirements to those in section 11 of chapter 131, as determined by the colonel of the
1536 state police pursuant to subsection (f); (ii) while on a firing or shooting range; (iii) while
1537 traveling in or through the commonwealth; provided, that the common long guns shall be
1538 unloaded and secured in a locked container pursuant to sections 126B and 126C; or (iv) while at
1539 a firearm showing or display organized by a regularly existing gun collectors' club or
1540 association.

1541 (c) A nonresident who is at least 18 years of age may possess a pistol or revolver in or
1542 through the commonwealth for the purpose of taking part in a pistol or revolver competition or
1543 attending any meeting or exhibition of any organized group of firearm collectors or for the
1544 purpose of hunting; provided, that such person has a permit or license to carry firearms issued
1545 from their state of residence which has substantially similar requirements to those of the
1546 commonwealth for a license to carry as determined by the colonel of the state police pursuant to
1547 subsection (f); provided, however, that in the case of a person traveling in or through the
1548 commonwealth for the purpose of hunting, they shall also have on their person a hunting or
1549 sporting license issued by the commonwealth or by their destination state.

1550 (d) A nonresident may carry a firearm on their person while in a vehicle lawfully
1551 traveling through the commonwealth; provided, however, that the firearm shall remain in the

1552 vehicle and if the firearm is outside its owner's direct control it shall be stored in the vehicle in
1553 accordance with section 126C.

1554 (e) Police officers and other peace officers of any state, territory or jurisdiction within the
1555 United States duly authorized to possess firearms by the laws thereof shall, for the purposes of
1556 this section, be deemed to have a license to carry a firearm that is not an assault-style firearm
1557 prohibited pursuant to section 128B.

1558 (f) The colonel of the state police shall determine those states with substantially similar
1559 requirements to those of the commonwealth for a license to carry under section 124, long gun
1560 permit under section 124A or hunting license under section 11 of chapter 131, and shall annually
1561 publish a list of those states.

1562 Section 127B. (a) A person with a license to carry under section 124 may sell or transfer
1563 firearms and ammunition and a person with a long gun permit under section 124A may sell or
1564 transfer common long guns and ammunition to: (i) a person with a license to sell issued under
1565 section 125; (ii) a federally licensed firearms dealer; or (iii) a federal, state or local historical
1566 society, museum or institutional collection open to the public, without an annual limit on
1567 transfers.

1568 (b) A person with a license to carry under section 124 may sell or transfer firearms and
1569 ammunition therefor and a person with a long gun permit under section 124A may sell or transfer
1570 common long guns and ammunition to the following; provided, however, that no more than 4
1571 firearm transfers shall occur per calendar year:

1572 (i) a person with a license to carry under section 124;

1573 (ii) an exempted person if permitted under section 127 or 127A; and

1574 (iii) a person with a long gun permit under section 124A; provided, however, that for
1575 transfers and purchases of firearms that are not common long guns, the transferee shall also have
1576 a valid permit to purchase under section 124C.

1577 (c) An heir or devisee upon the death of a firearm owner, a person in the military, police
1578 officers and other peace officers, a veteran's organization and historical society, museums and
1579 institutional collections open to the public may:

1580 (i) sell or transfer firearms and ammunition therefor, to a federally licensed firearms
1581 dealer, or a federal, state or local historical society, museum or institutional collection open to
1582 the public; and

1583 (ii) sell or transfer no more than 4 firearms and ammunition therefor per calendar year to:
1584 (A) a person with a license to carry under section 124; (B) an exempted person under section 127
1585 or 127A; or (C) to a person with a long gun permit under section 124A; provided, however, that
1586 for transfers and purchases of firearms that are not common long guns, the transferee shall have a
1587 valid permit to purchase under section 124C.

1588 (d) A person with a license to carry under section 124 may purchase or transfer firearms
1589 and ammunition therefor from a dealer licensed under section 125 or a person permitted to sell
1590 under this section.

1591 (e) A person with a long gun permit under section 124A who is over 18 years of age may
1592 purchase or transfer common long guns and ammunition therefor from a dealer licensed under
1593 section 125 or a person permitted to sell under this section.

1594 (f) The holder of a permit to purchase under section 124C may purchase or transfer
1595 firearms and ammunition from a dealer licensed under section 125; provided, however that the
1596 permit-holder also holds a license under section 124B.

1597 (g) A bona fide collector of firearms may purchase a firearm that was not previously
1598 owned or registered in the commonwealth from a dealer licensed under section 125 if it is a curio
1599 or relic firearm.

1600 (h) All purchases, sales or transfers of a firearm permitted under this section shall, prior
1601 to or at the point of sale, be conducted through the electronic firearms registration system
1602 pursuant to section 122. The department of criminal justice information services shall require
1603 each person selling or transferring a firearm pursuant to this section to electronically provide,
1604 through the electronic firearms registration system, such information as is determined to be
1605 necessary to verify the identification of the seller and purchaser and ensure that the sale or
1606 transfer complies with this section. Upon submission of the required information, the electronic
1607 firearms registration system shall automatically review such information and display a message
1608 indicating whether the seller may proceed with the sale or transfer and shall provide any further
1609 instructions for the seller as determined to be necessary by the department of criminal justice
1610 information services. The electronic firearms registration system shall keep a record of any sale
1611 or transfer conducted pursuant to this section and shall provide the seller and purchaser with
1612 verification of such sale or transfer.

1613 SECTION 49. Said chapter 140 is hereby further amended by striking out section 128, as
1614 so appearing, and inserting in place thereof the following section:-

1615 Section 128. (a) There shall be a firearm control advisory board, within the executive
1616 office of public safety and security, hereinafter referred to as the board, comprised of 7 members:
1617 the director of the firearms record bureau within the department of criminal justice information
1618 services or designee, who shall serve as chair; the attorney general or designee; 1 member
1619 appointed by the speaker of the house of representatives; 1 member appointed by the president of
1620 the senate; 2 members appointed by the governor, 1 of whom shall be a member of the Gun
1621 Owners Action League, Inc. and 1 of whom shall be a police chief selected from a list of four
1622 chiefs provided by the Massachusetts Chiefs of Police Association Incorporated; and the armorer
1623 of the department of state police or designee.

1624 (b) The board shall advise the executive office of public safety and security on matters
1625 relating to the firearm control provisions of this chapter, including, but not limited to, consulting
1626 with the executive office of public safety and security on the development of the firearm rosters
1627 outlined in section 128A. The board shall also advise the executive office of public safety and
1628 security on training needs and materials for licensing authorities and licensees. The board
1629 members shall serve without compensation; provided, however, that members shall be
1630 reimbursed for any usual and customary expenses incurred in the performance of their duties.
1631 The executive office of public safety and security, in consultation with the board, shall adopt
1632 operating rules and procedures for its organization and activities.

1633 SECTION 50. Said chapter 140 is hereby further amended by striking out section 128A,
1634 as so appearing, and inserting in place thereof the following section:-

1635 Section 128A. (a) The secretary of public safety and security shall, with the advice of the
1636 firearm control advisory board established in section 128, compile and publish a roster of

1637 assault-style firearms banned under section 128B and a roster of firearms approved for sale and
1638 use in the commonwealth using the parameters set forth in section 125C. The secretary shall, not
1639 less than 3 times annually, review, update, and publish the rosters online, and send a copy to all
1640 persons licensed in the commonwealth pursuant to section 125. Licensing authorities shall
1641 provide information on these rosters to all permit holders and licensees upon initial issuance and
1642 every renewal.

1643 (b) The secretary, with the advice of the firearm control advisory board, shall also
1644 compile and publish a roster of firearms solely designed and sold for formal target shooting
1645 competitions or Olympic shooting competitions. The board shall, not less than biannually,
1646 review, update and publish these rosters and make them available for distribution.

1647 (c) The secretary may amend any roster upon their own initiative. A person may petition
1648 the secretary to place a firearm on, or remove a firearm from, the roster, subject to the provisions
1649 of this section. A petition to amend a roster shall be submitted in writing to the secretary, in the
1650 form and manner prescribed by the secretary, and include reasons why the roster should be
1651 amended. Upon receipt of a petition to amend a roster, the secretary shall, within 45 days, either
1652 notify the petitioner that the petition is denied or modify the roster. An addition to the roster shall
1653 be effective on the date it is published online by the board.

1654 SECTION 51. Said chapter 140 is hereby further amended by striking out section 128B,
1655 as so appearing, and inserting in place thereof the following 2 sections:-

1656 Section 128B. (a) No person shall possess, own, offer for sale, sell or otherwise transfer
1657 in the commonwealth or import into the commonwealth an assault-style firearm, or a large
1658 capacity feeding device.

1659 (b) Subsection (a) shall not apply to an assault-style firearm lawfully possessed within the
1660 commonwealth on August 1, 2024 by an owner in possession of a license to carry issued under
1661 section 124 or by a holder of a license to sell under section 125; provided, that the assault-style
1662 firearm shall be registered in accordance with section 122 and serialized in accordance with
1663 section 122A.

1664 (c) Subsection (a) shall not apply to large capacity feeding devices lawfully possessed on
1665 September 13, 1994 only if such possession is: (i) on private property owned or legally
1666 controlled by the person in possession of the large capacity feeding device; (ii) on private
1667 property that is not open to the public with the express permission of the property owner or the
1668 property owner's authorized agent; (iii) while on the premises of a licensed firearms dealer or
1669 gunsmith for the purpose of lawful repair; (iv) at a licensed firing range or sports shooting
1670 competition venue; or (v) while traveling to and from these locations; provided, that the large
1671 capacity feeding device is stored unloaded and secured in a locked container in accordance with
1672 sections 126B and 126C. A person authorized under this subsection to possess a large capacity
1673 feeding device may only transfer the device to an heir or devisee, a person residing outside the
1674 commonwealth, or a licensed dealer.

1675 (d) Whoever violates this section shall be punished, for a first offense, by a fine of not
1676 less than \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more
1677 than 10 years, or by both such fine and imprisonment, and for a second offense, by a fine of not
1678 less than \$5,000 nor more than \$15,000 or by imprisonment for not less than 5 years nor more
1679 than 15 years, or by both such fine and imprisonment.

1680 (e) This section shall not apply to transfer or possession by: (i) a qualified law
1681 enforcement officer or a qualified retired law enforcement officer, as defined in the Law
1682 Enforcement Officers Safety Act of 2004, 18 U.S.C. sections 926B and 926C, respectively, as
1683 amended; (ii) a federal, state or local law enforcement agency; or (iii) a federally licensed
1684 manufacturer solely for sale or transfer in another state or for export.

1685 Section 128C. No person shall knowingly possess, own, sell, offer for sale, transfer,
1686 manufacture, assemble, repair or import any firearm capable of discharging a bullet or shot that
1687 is a covert firearm, a deceptive firearm device or an undetectable firearm all as defined in section
1688 121. Whoever violates this section shall be punished, for a first offense, by a fine of not less than
1689 \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more than 10
1690 years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than
1691 \$5,000 nor more than \$15,000 or by imprisonment for not less than 5 years nor more than 15
1692 years, or by both such fine and imprisonment.

1693 SECTION 52. Said chapter 140 is hereby further amended by striking out section 129, as
1694 so appearing, and inserting in place thereof the following section:-

1695 Section 129. (a) For the purposes of this section, the term “safety device” shall mean a
1696 device designed to prevent the discharge of such firearm by unauthorized users and approved by
1697 the colonel of state police including, but not limited to, mechanical locks or devices designed to
1698 recognize and authorize, or otherwise allow the firearm to be discharged only by its owner or
1699 authorized user, by solenoid use-limitation devices, key activated or combination trigger or
1700 handle locks, radio frequency tags, automated fingerprint identification systems or any other
1701 biometric means, provided, that such device shall be commercially available.

1702 (b) Any firearm sold within the commonwealth without a safety device shall be defective
1703 and the sale of such a firearm shall constitute a breach of warranty under section 2-314 of
1704 chapter 106 and an unfair or deceptive trade act or practice under section 2 of chapter 93A. Any
1705 entity responsible for the manufacture, importation or sale as an inventory item or consumer
1706 good, both as defined in section 9-102 of said chapter 106, of such a firearm that does not
1707 include or incorporate such a safety device shall be individually and jointly liable to any person
1708 who sustains personal injury or property damage resulting from the failure to include or
1709 incorporate such a device. If death results from such personal injury, such entities shall be liable
1710 in an amount including, but not limited to, that provided under chapter 229. Contributory or
1711 comparative negligence shall not be valid defenses to an action brought under this section in
1712 conjunction with said section 2 of said chapter 93A or section 2-314 of said chapter 106 or both;
1713 provided, however, that nothing herein shall prohibit such liable parties from maintaining an
1714 action for indemnification or contribution against each other or against the lawful owner or other
1715 authorized user of said firearm. Any disclaimer, limit or waiver of the liability provided under
1716 this section shall be void.

1717 (c) No entity responsible for the manufacture, importation or sale of such a firearm shall
1718 be liable to any person for injuries caused by the discharge of such firearm that does not include
1719 or incorporate a safety device as required under this section if such injuries were: (i) self-
1720 inflicted, either intentionally or unintentionally, unless such injuries were self-inflicted by a
1721 person less than 18 years of age; (ii) inflicted by the lawful owner or other authorized user of
1722 said firearm; (iii) inflicted by any person in the lawful exercise of self-defense; or (iv) inflicted
1723 upon a co-conspirator in the commission of a crime.

1724 (d) This section shall not apply to any firearm distributed to an officer of any law
1725 enforcement agency or any member of the armed forces of the United States or the organized
1726 militia of the commonwealth; provided, however, that such person shall be authorized to acquire,
1727 possess or carry such a firearm for the lawful performance of his official duties; and provided
1728 further, that any such firearm so distributed shall be distributed solely for use in connection with
1729 such duties.

1730 SECTION 53. Said chapter 140 is hereby amended by striking out section 129B, as so
1731 appearing, and inserting in place thereof the following section:-

1732 Section 129B. (a) Whoever, licensed under section 125, sells or furnishes a firearm or
1733 ammunition to any person without a firearms license or permit shall have their license to sell
1734 revoked and shall not be entitled to apply for such license for 10 years from the date of such
1735 revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by
1736 imprisonment in a state prison for not more than 10 years or house of correction for not more
1737 than 2½ years or by both such fine and imprisonment; provided, however, that a valid permit to
1738 purchase issued under section 124C may permit certain firearm transfers to persons over 18 years
1739 of age.

1740 (b) Any person who, without being licensed under section 125 or exempt as provided
1741 under this chapter, sells, rents, leases or otherwise transfers a firearm, or is engaged in business
1742 as a gunsmith, shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by
1743 imprisonment for not less than 1 year nor more than 10 years, or by both such fine and
1744 imprisonment.

1745 (c) Whoever, not being licensed under section 125 or exempt as provided under this
1746 chapter, sells ammunition within the commonwealth shall be punished by a fine of not less than
1747 \$500 nor more than \$1,000 dollars or by imprisonment for not less than 6 months nor more than
1748 2 years.

1749 (d) A person who uses a license or permit under sections 124 to 124C, inclusive, to
1750 purchase a firearm or ammunition for the unlawful use of another or for resale or transfer to an
1751 unlicensed person shall be punished by a fine of not less than \$1,000 nor more than \$50,000 or
1752 by imprisonment for not less than 2 ½ years nor more than 10 years in a state prison or by both
1753 such fine and imprisonment. A conviction of this offense shall be immediately reported by the
1754 court to the licensing authority that issued the license or permit. Said licensing authority shall
1755 immediately revoke the license or permit pursuant to section 123C and no license or permit shall
1756 be issued to a person so convicted within 2 years after the date of the revocation of the license or
1757 permit.

1758 (e) Evidence that a person sold or attempted to sell a machine gun shall constitute prima
1759 facie evidence that such person is engaged in the business of selling machine guns.

1760 SECTION 54. Sections 129C and 129D of said chapter 140 are hereby repealed.

1761 SECTION 55. Said chapter 140 is hereby further amended by striking out section 130, as
1762 so appearing, and inserting in place thereof the following section:-

1763 Section 130. A certificate by a ballistics expert of the department of the state police or of
1764 the city of Boston of the result of an examination made by the expert of an item furnished to the
1765 expert by any police officer, signed and sworn to by such expert, shall be prima facie evidence of
1766 the expert's findings as to whether or not the item furnished is a firearm or ammunition;

1767 provided, that in order to qualify as an expert under this section the expert shall have previously
1768 qualified as an expert in a court proceeding.

1769 SECTION 56. Section 130½ of said chapter 140 is hereby repealed.

1770 SECTION 57. Said chapter 140 is hereby amended by striking out section 130B, as so
1771 appearing, and inserting in place thereof the following 4 sections:-

1772 Section 130B. If there is exposed from, maintained in or permitted to remain on any
1773 vehicle or premises any placard, sign or advertisement purporting or designed to announce that
1774 firearms are kept in or upon such vehicle or premises or that an occupant of any vehicle or
1775 premises is a gunsmith, it shall be prima facie evidence that firearms are kept in or upon such
1776 vehicle or premises for sale or that the occupant is engaged in business as a gunsmith.

1777 Section 130C. Whoever falsely makes, alters, forges or counterfeits or procures or assists
1778 another to falsely make, alter, forge or counterfeit any license or permit issued under sections
1779 124 to 124C, inclusive, 124E, 125 or 125B or whoever forges or without authority uses the
1780 signature, facsimile of the signature, or validating signature stamp of the licensing authority or its
1781 designee, or whoever possesses, utters, publishes as true or in any way makes use of a falsely
1782 made, altered, forged or counterfeited license or permit issued under sections 124 to 124C,
1783 inclusive, 124E, 125 or 125B shall be punished by imprisonment in a state prison for not more
1784 than 5 years or in a jail or house of correction for not more than 2 years, or by a fine of not less
1785 than \$500, or both such fine and imprisonment.

1786 Section 130D. Whoever in purchasing, renting or otherwise procuring a firearm or
1787 ammunition in making application for any license or permit issued under section 124 to 124C,
1788 inclusive, in connection therewith, or in requesting that work be done by a gunsmith, gives a

1789 false or fictitious name or address or knowingly offers or gives false information concerning the
1790 date or place of birth, citizenship or residency status, occupation or criminal record, shall for the
1791 first offense be punished by a fine of not less than \$500 nor more than \$1,000, or by
1792 imprisonment for not more than 1 year, or both; and for a second or subsequent offense, shall be
1793 punished by imprisonment for not less than 2½ years nor more than 5 years in the state prison.

1794 Section 130E. Whoever loans money secured by mortgage, deposit or pledge of a firearm
1795 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 1 year,
1796 or by both; provided, however, that nothing herein shall prohibit a bank or other institutional
1797 lender from loaning money secured by a mortgage, deposit, or pledge of a firearm to a
1798 manufacturer, wholesaler, or dealer of firearms. Subsection (h) of section 125A shall not be
1799 applicable to any such mortgage, deposit or pledge unless or until the lender takes possession of
1800 the collateral upon default or the collateral is removed from the premises of the debtor.

1801 SECTION 58. Said chapter 140 is hereby further amended by striking out sections 131 to
1802 131H, inclusive, as so appearing, and inserting in place thereof the following 8 sections:-

1803 Section 131. (a) A petitioner who believes that a person holding a license or permit under
1804 section 124 to 124B, inclusive, may pose a risk of causing bodily injury to self or others may, on
1805 a form furnished by the court and signed under the pains and penalties of perjury, file a petition
1806 in court.

1807 (b) A petition filed pursuant to this section shall:

1808 (i) state any relevant facts supporting the petition;

1809 (ii) identify the reasons why the petitioner believes that the respondent poses a risk of
1810 causing bodily injury to self or others by having in the respondent's control, ownership or
1811 possession a firearm or ammunition;

1812 (iii) identify the number, types and locations of any firearms or ammunition the petitioner
1813 believes to be in the respondent's current control, ownership or possession;

1814 (iv) identify whether there is an abuse prevention order pursuant to chapter 209A, a
1815 harassment prevention order pursuant to chapter 258E or an order similar to an abuse prevention
1816 or harassment prevention order issued by another jurisdiction in effect against the respondent;
1817 and

1818 (v) identify whether there is a pending lawsuit, complaint, petition or other legal action
1819 between the parties to the petition.

1820 (c) No fees for filing or service of process may be charged by a court or any public
1821 agency to a petitioner filing a petition pursuant to this section.

1822 (d) The petitioner's residential address, residential telephone number and workplace
1823 name, address and telephone number, contained within the records of the court related to a
1824 petition shall be confidential and withheld from public inspection, except by order of the court;
1825 provided, however, that the petitioner's residential address and workplace address shall appear on
1826 the court order and shall be accessible to the respondent and the respondent's attorney unless the
1827 petitioner specifically requests, and the court orders, that this information be withheld from the
1828 order. All confidential portions of the records shall be accessible at all reasonable times to the
1829 petitioner and the petitioner's attorney, the licensing authority of the municipality where the
1830 respondent resides and to law enforcement officers, if such access is necessary in the

1831 performance of their official duties. Such confidential portions of the court records shall not be
1832 deemed to be public records under clause Twenty-sixth of section 7 of chapter 4.

1833 (e) The court may order that any information in the petition or case record be impounded
1834 in accordance with court rule.

1835 (f) Upon receipt of a petition under this section and if the petitioner is a family or
1836 household member as defined in section 121, the clerk of the court shall provide to the petitioner
1837 and respondent informational resources about: (i) crisis intervention; (ii) mental health; (iii)
1838 substance use disorders; (iv) counseling services; and (v) the process to apply for a temporary
1839 commitment under section 12 of chapter 123.

1840 Section 131A. (a) The court shall, within 10 days of receipt of a petition pursuant to
1841 section 131, conduct a hearing on the petition. Upon receipt of the petition, the court shall issue a
1842 summons with the date, time and location of the hearing. The court shall direct a law
1843 enforcement officer to personally serve a copy of the petition and the summons on the
1844 respondent or, if personal service by a law enforcement officer is not possible, the court may,
1845 after a hearing, order that service be made by some other identified means reasonably calculated
1846 to reach the respondent. Service shall be made not less than 7 days prior to the hearing.

1847 (b) Notwithstanding subsection (a), the court shall, within 2 days of receipt of a petition
1848 made pursuant to section 131, conduct a hearing on the petition if the respondent files an
1849 affidavit that a firearm or ammunition is required in the performance of the respondent's
1850 employment.

1851 (c)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court finds by a
1852 preponderance of the evidence that the respondent poses a risk of causing bodily injury to self or

1853 others by having in the respondent's control, ownership or possession a firearm or ammunition,
1854 the court shall grant the petition. If the respondent does not appear at the hearing pursuant to
1855 subsection (a) or subsection (b), the court shall grant the petition upon a determination that the
1856 petitioner has demonstrated by a preponderance of the evidence that the respondent poses such a
1857 risk.

1858 (2) Upon granting a petition, the court shall issue an extreme risk protection order and
1859 shall order the respondent to surrender any licenses and permits under section 124 to 124B,
1860 inclusive, and all firearms and ammunition that the respondent then controls, owns or possesses
1861 to the licensing authority of the municipality where the respondent resides. The court shall enter
1862 written findings as to the basis of its order within 24 hours of granting the order. The court may
1863 modify, suspend or terminate its order at any subsequent time upon motion by either party;
1864 provided, however, that due notice shall be given to the respondent and petitioner, and the court
1865 shall hold a hearing on said motion. When the petitioner's address is confidential to the
1866 respondent as provided in subsection (d) of section 131 and the respondent has filed a motion to
1867 modify the court's order, the court shall be responsible for notifying the petitioner. In no event
1868 shall the court disclose any such confidential address.

1869 (3) Not less than 30 calendar days prior to the expiration of an extreme risk protection
1870 order, the court shall notify the petitioner at the best-known address of the scheduled expiration
1871 of the order and that the petitioner may file a petition to renew the order pursuant to section 131.

1872 (d)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court has
1873 probable cause to believe that the respondent has access to a firearm or ammunition, on their
1874 person or in an identified place, and the respondent fails to surrender any firearms or ammunition

1875 within 24 hours of being served pursuant to subsection (e), the court shall issue a warrant
1876 identifying the property, naming or describing the person or place to be searched, and
1877 commanding the appropriate law enforcement agency to search the person of the respondent and
1878 any identified place and seize any firearm or ammunition found to which the respondent would
1879 have access.

1880 (2) The court may issue additional warrants to seize firearms or ammunition if the court
1881 determines there is probable cause to believe that the respondent has retained, acquired or gained
1882 access to a firearm or ammunition while an order under this section remains in effect.

1883 (3) Upon executing a warrant issued pursuant to this subsection or section 131B, the law
1884 enforcement agency conducting the search shall issue a receipt identifying any firearm or
1885 ammunition seized. The law enforcement agency shall provide a copy of the receipt to the
1886 respondent. The licensing authority shall then, within 48 hours of the search, return the warrant
1887 to the court with the original receipt. If the law enforcement agency executing the warrant and
1888 the licensing authority for the municipality where the respondent resides are different, the law
1889 enforcement agency shall remit to the licensing authority a copy of the receipt along with any
1890 seized items, and shall file with its warrant and receipt a certification signed by both the law
1891 enforcement agency and the licensing authority that the seized items were delivered to and
1892 accepted by the licensing authority. The licensing authority shall store the seized items with any
1893 items surrendered in accordance with subsection (f).

1894 (e) Upon issuing an extreme risk protection order the clerk-magistrate of the court shall
1895 transmit 2 certified copies of the order and 1 copy of the petition and summons forthwith to the
1896 licensing authority of the municipality where the respondent resides which, unless otherwise

1897 ordered by the court, shall immediately serve a copy of the order and petition upon the
1898 respondent. If a warrant has been issued pursuant to subsection (d) or pursuant to subsection (b)
1899 of section 131B, the court shall submit 2 certified copies of the warrant, 1 copy of the petition
1900 and summons and 1 copy of the extreme risk protection order to the appropriate law enforcement
1901 agency for execution. Licensing authorities and law enforcement agencies shall establish
1902 adequate procedures to ensure that, when effecting service upon a respondent or executing a
1903 warrant, a law enforcement officer shall, to the extent practicable: (i) fully inform the respondent
1904 of the contents and terms of the order or warrant and the available penalties for any violation of
1905 an order; and (ii) provide the respondent with informational resources, including, but not limited
1906 to, a list of services relating to crisis intervention, mental health, substance use disorders and
1907 counseling, and a list of interpreters, as necessary, located within or near the court's jurisdiction.
1908 The chief justice of the trial court, in consultation with the executive office of public safety and
1909 security, and the department of mental health, shall annually update the informational resource
1910 guides required under this section.

1911 Each extreme risk protection order issued by the court shall contain the following
1912 statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

1913 (f) Upon receipt of service of an extreme risk protection order, the licensing authority of
1914 the municipality where the respondent resides shall immediately suspend the respondent's license
1915 or permit under sections 124 to 124B, inclusive, and shall immediately notify the respondent of
1916 said suspension.

1917 Upon receipt of service of an extreme risk protection order the respondent shall
1918 immediately surrender their license or permit under sections 124 to 124B, inclusive, and all

1919 firearms or ammunition in their control, ownership or possession to the local licensing authority
1920 serving the order, in accordance with section 123D; provided, however, that nothing in this
1921 section or in section 123D shall allow the respondent to: (i) transfer any firearms or ammunition
1922 required to be surrendered, or surrendered, by the respondent to anyone other than a licensed
1923 dealer; or (ii) maintain control, ownership or possession of any firearms or ammunition during
1924 the pendency of any appeal of an extreme risk protection order; provided, however, that while
1925 the surrender of ownership pursuant to an extreme risk protection order shall require the
1926 immediate surrender of any firearms license or permit and all firearms or ammunition in the
1927 respondent's control or possession, it shall not require the surrender of permanent ownership
1928 rights; and provided further that, notwithstanding section 123D, if the licensing authority cannot
1929 reasonably ascertain a lawful owner of firearms or ammunition surrendered pursuant to extreme
1930 risk protection order within 180 days of the expiration or termination of the extreme risk
1931 protection order, the licensing authority may, in its discretion, trade or dispose of surplus,
1932 donated, abandoned or junk firearms or ammunition to properly licensed distributors or firearms
1933 dealers and the proceeds of such sale or transfer shall be remitted or credited to the municipality
1934 in which the licensing authority presides to be used for violence reduction or suicide prevention.
1935 A violation of this subsection shall be punishable by a fine of not more than \$5,000 or by
1936 imprisonment for not more than 2 1/2 years in a house of correction or by both such fine and
1937 imprisonment.

1938 (g) Upon receipt of a license or permit under section 124 to 124B, inclusive, and any
1939 firearms or ammunition surrendered by a respondent pursuant to subsection (f) or seized
1940 pursuant to subsection (d), the licensing authority taking possession of the license or permit and
1941 firearms or ammunition shall issue a receipt identifying any license or permit and all firearms or

1942 ammunition surrendered or seized and shall provide a copy of the receipt to the respondent. The
1943 licensing authority shall, within 48 hours of the surrender or 48 hours of receipt after seizure, file
1944 the receipt with the court.

1945 (h) If a person other than the respondent claims title to any firearms or ammunition
1946 required to be surrendered, or seized pursuant to this section, and is determined by the licensing
1947 authority to be the lawful owner of the firearms or ammunition, the firearms or ammunition shall
1948 be returned to the person; provided, however, that: (i) the firearms or ammunition shall be
1949 removed from the respondent's control, ownership or possession and the lawful owner agrees to
1950 store the firearms or ammunition in a manner such that the respondent does not have access to, or
1951 control of, the firearms or ammunition; and (ii) the firearms or ammunition shall not be
1952 otherwise unlawfully possessed by the owner. A violation of this subsection shall be punishable
1953 by a fine of not more than \$5,000 or by imprisonment for not more than 2 ½ years in a house of
1954 correction or by both such fine and imprisonment.

1955 (i) Upon the expiration or termination of an extreme risk protection order, a licensing
1956 authority holding any firearms or ammunition that have been surrendered or seized pursuant to
1957 this section shall return any license or permit under sections 124 to 124B, inclusive, and all
1958 firearms or ammunition requested by a respondent only after the licensing authority of the
1959 municipality in which the respondent resides confirms that the respondent is suitable for a
1960 firearms license or permit and to control, own or possess firearms or ammunition under federal
1961 and state law.

1962 Not less than 7 days prior to the expiration of an extreme risk protection order, a
1963 licensing authority holding any firearms or ammunition that have been surrendered pursuant to

1964 this section shall notify the petitioner of the expiration of the extreme risk protection order and
1965 the return of a firearms license or permit and the return of any firearms or ammunition to the
1966 respondent.

1967 As soon as reasonably practicable after receiving notice of the termination of an extreme
1968 risk protection order by the court, a licensing authority holding any firearms or ammunition that
1969 have been surrendered pursuant to this section shall notify the petitioner of the termination of the
1970 extreme risk protection order and the return of a firearms license or permit and the return of any
1971 firearms or ammunition to the respondent.

1972 (j) A respondent who has surrendered a license or permit under section 124 to 124B,
1973 inclusive, and all firearms or ammunition to a licensing authority, or who had any firearms or
1974 ammunition seized by a law enforcement agency, and who does not wish to have the firearms
1975 license or permit or firearms or ammunition returned or who is no longer eligible to control, own
1976 or possess firearms or ammunition pursuant to this chapter or federal law, may sell or transfer
1977 title of the firearms or ammunition to a licensed firearms dealer, notwithstanding the limits on
1978 private firearm transfers in section 127B; provided, however, that the respondent shall not take
1979 physical possession of the firearms or ammunition. The licensing authority may transfer
1980 possession of the firearms or ammunition to a licensed dealer upon the dealer providing the
1981 licensing authority with written proof of the sale or transfer of title of the firearms or ammunition
1982 from the respondent to the dealer.

1983 (k) If the licensing authority cannot reasonably ascertain the lawful owner of any firearms
1984 or ammunition surrendered or seized pursuant to this section within 180 days of the expiration or

1985 termination of the order to surrender the firearms or ammunition the licensing authority may
1986 dispose of the firearms or ammunition pursuant to section 123D.

1987 Section 131B. (a)(1) Upon the filing of a petition pursuant to section 131, the court may
1988 issue an emergency extreme risk protection order without notice to the respondent and prior to
1989 the hearing required pursuant to subsection (a) of section 131A if the court finds reasonable
1990 cause to conclude that the respondent poses a risk of causing bodily injury to the respondent's
1991 self or others by being in possession of a license or permit under section 124 to 124B, inclusive,
1992 or having in the respondent's control, ownership or possession a firearm or ammunition.

1993 Upon issuance of an emergency extreme risk protection order pursuant to this section, the
1994 clerk magistrate of the court shall notify the respondent pursuant to subsection (e) of section
1995 131A. An order issued under this subsection shall expire 10 days after its issuance unless a
1996 hearing is scheduled pursuant to subsection (a) or (b) of said section 131A or at the conclusion of
1997 a hearing held pursuant to said subsection (a) or (b) of said section 131A unless a permanent
1998 order is issued by the court pursuant to paragraph (2) of subsection (c) of said section 131A.

1999 (2) Upon receipt of service of an emergency extreme risk protection order pursuant to this
2000 section, the respondent shall immediately surrender the respondent's license or permit under
2001 section 124 to 124B, inclusive, and all firearms or ammunition to the licensing authority serving
2002 the order as provided in subsection (f) of section 131A.

2003 (b)(1) If the court has probable cause to believe that the respondent has access to a
2004 firearm or ammunition, on their person or in an identified place, and the respondent fails to
2005 surrender any firearms or ammunition within 24 hours of being served pursuant to subsection (e)
2006 of section 131A, the court shall issue a warrant identifying the property, naming or describing

2007 the person or place to be searched, and commanding the appropriate law enforcement agency to
2008 search the person of the respondent and any identified place and seize any firearm or ammunition
2009 found to which the respondent would have access.

2010 (2) The law enforcement agency shall conduct its search and manage any seized property
2011 pursuant to paragraph (3) of subsection (d) of section 131A.

2012 (c) When the court is closed for business, the court may grant an emergency extreme risk
2013 protection order if the court finds reasonable cause to conclude that the respondent poses a risk
2014 of causing bodily injury to the respondent's self or others by being in possession of a firearms
2015 license or by having in the respondent's control, ownership or possession of a firearm or
2016 ammunition, and shall issue a warrant pursuant to subsection (b) upon probable cause that the
2017 respondent has access to a firearm or ammunition, on their person or in an identified place, and
2018 the respondent fails to surrender any firearms or ammunition within 24 hours of being served
2019 pursuant to subsection (e) of section 131A. In the discretion of the justice, such relief may be
2020 granted and communicated by telephone to the licensing authority of the municipality where the
2021 respondent resides, which shall record such order or warrant on a form of order or warrant
2022 promulgated for such use by the chief justice of the trial court and shall deliver a copy of such
2023 order or warrant on the next court business day to the clerk-magistrate of the court. If relief has
2024 been granted without the filing of a petition pursuant to section 131, the petitioner shall appear in
2025 court on the next available court business day to file a petition. An order or warrant issued under
2026 this subsection shall expire at the conclusion of the next court business day after issuance unless
2027 a petitioner has filed a petition with the court pursuant to section 131 and the court has issued an
2028 emergency extreme risk protection order pursuant to subsection (a).

2029 Section 131C. On the same day that an extreme risk protection order is issued pursuant to
2030 section 131A or section 131B, the clerk magistrate of the court shall forward a copy of the order
2031 to: (i) the licensing authority; (ii) the commissioner of probation; (iii) the department of criminal
2032 justice information services, which shall transmit the report, pursuant to paragraph (h) of section
2033 167A of chapter 6, to the attorney general of the United States to be included in the National
2034 Instant Criminal Background Check System; and (iv) any other federal or state computer-based
2035 systems used by law enforcement or others to identify prohibited purchasers of firearms. Upon
2036 the expiration or termination of an extreme risk protection order issued pursuant to section 131A
2037 or section 131B, the clerk magistrate of the court shall notify: (i) the licensing authority; (ii) the
2038 commissioner of probation; (iii) the department of criminal justice information services, which
2039 shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney
2040 general of the United States to be included in the National Instant Criminal Background Check
2041 System; and (iv) any other federal or state computer-based systems used by law enforcement or
2042 others to identify prohibited purchasers of firearms that the order has been terminated or has
2043 expired.

2044 Section 131E. A person who files a petition for an extreme risk protection order, knowing
2045 the information in the petition to be materially false or with an intent to harass the respondent,
2046 shall be punished by a fine of not less than \$2,500 and not more than \$5,000 or by imprisonment
2047 for not more than 2½ years in the house of correction or by both such fine and imprisonment.

2048 Section 131F. The chief justice of the trial court, in consultation with the chief justice of
2049 the district court and the chief justice of the Boston municipal court, shall promulgate rules,
2050 regulations and policies and shall develop and prepare instructions, brochures, petitions, forms
2051 and other material required for the administration and enforcement of sections 131 to 131H,

2052 inclusive, which shall be in such form and language to permit a petitioner to prepare and file a
2053 petition pro se.

2054 Section 131G. (a) Sections 131 to 131H, inclusive, shall not affect the ability of a law
2055 enforcement officer to remove firearms or ammunition from any person or conduct any search
2056 and seizure for firearms or ammunition pursuant to other lawful authority.

2057 (b) Nothing in sections 131 to 131H, inclusive, shall supersede or limit a licensing
2058 authority's ability to suspend or revoke a license or permit under section 124 to 124B, inclusive,
2059 that the licensing authority has issued pursuant to other lawful authority.

2060 (c) Sections 131 to 131H, inclusive, shall not impose a duty to file a petition on any of the
2061 following, nor shall the same be held criminally or civilly liable for failure to petition: (i) any
2062 family or household member; (ii) a health care provider; provided, that for the purposes of this
2063 section "health care provider" shall include a licensed physician, licensed physician assistant,
2064 registered nurse, licensed practical nurse, certified nurse practitioner, certified clinical nurse
2065 specialist, certified psychiatric clinical nurse specialist, licensed psychiatrist, licensed
2066 psychologist, licensed mental health counselor, licensed marriage and family therapist, licensed
2067 alcohol and drug counselor, licensed independent clinical social worker, or licensed certified
2068 social worker; (iii) a principal or assistant principal of an elementary school or secondary school,
2069 or administrator of a college or university; or (iv) an employer.

2070 (d) Notwithstanding any general or special law or rule or regulation to the contrary, a
2071 petitioner that is a health care provider may disclose protected health information of the
2072 respondent; provided, however, that such disclosure shall be limited to only that information
2073 which is necessary to file a petition or renewal of an extreme risk protection order. Any records

2074 or documents relating to the diagnosis, prognosis, treatment, or other health information of the
2075 respondent requested by the court shall be impounded in accordance with court rule.

2076 (e) The supreme judicial court and the appeals court shall have concurrent jurisdiction to
2077 review any proceedings held, determinations made, and orders or judgments entered in the court
2078 pursuant to section 131A or section 131B. The supreme judicial court or the appeals court,
2079 subject to section 13 of chapter 211A may by rule vary the procedure authorized or required for
2080 such review upon a finding that the review by the court will thereby be made more simple,
2081 speedy and effective.

2082 Section 131H. The court shall annually, not later than December 31, issue a report on the
2083 use of extreme risk protective orders. The report shall be submitted to the executive office of
2084 public safety and security, the chairs of the joint committee on public safety and homeland
2085 security, the chairs of the joint committee on the judiciary, the chairs of the joint committee on
2086 mental health, substance use and recovery, and clerks of the senate and the house of
2087 representatives. The report shall include, but shall not be limited to, the following information:

2088 (1) the number of extreme risk protective order petitions filed;

2089 (2) the number of extreme risk protective order petitions that lead to a respondent's
2090 surrender pursuant to section 131A;

2091 (3) the number of extreme risk protective order petitions that are heard but not granted;

2092 (4) the number of emergency extreme risk protective order petitions filed;

2093 (5) the number of emergency extreme risk protective order petitions that lead to a
2094 respondent's surrender pursuant to 131B;

- 2095 (6) the number of emergency extreme risk protective order petitions that are heard but not
2096 granted;
- 2097 (7) the number of warrants issued pursuant to subsection (d) of section 131A or section
2098 131B;
- 2099 (8) the number of warrants issued pursuant to subsection (d) of section 131A or section
2100 131B that lead to the seizure of firearms or ammunition;
- 2101 (9) a breakdown of the types of items surrendered, including but not limited to, firearms
2102 license or permit, firearm, or ammunition;
- 2103 (10) a breakdown of the types of items seized, including, but not limited to, firearm or
2104 ammunition;
- 2105 (11) the number of extreme risk protective order or emergency extreme risk protective
2106 order petitions filed that are deemed to be fraudulent;
- 2107 (12) the number of instances in which a petition was found to be fraudulent and the
2108 penalties received in each instance;
- 2109 (13) the race and ethnicity of the petitioner and respondent;
- 2110 (14) the gender and gender identity of the petitioner and respondent;
- 2111 (15) the data on the duration of extreme risk protection orders; and
- 2112 (16) the number of instances in which an order has been terminated or otherwise
2113 modified prior to its original expiration date.

2114 SECTION 59. Sections 131I, 131J, 131K, 131L, 131M, 131N and 131O of said chapter
2115 140 are hereby repealed.

2116 SECTION 60. Section 131P of said chapter 140 is hereby repealed.

2117 SECTION 61. Sections 131Q, 131R, 131S, 131T, 131U, 131V, 131W, 131X and 131Y
2118 of said chapter 140 are hereby repealed.

2119 SECTION 62. Chapter 209A of the General Laws is hereby amended by striking out
2120 sections 3B and 3C, as appearing in the 2022 Official Edition, and inserting in place thereof the
2121 following 2 sections:-

2122 Section 3B. (a) Upon issuance of a temporary or emergency order under section 4 or 5,
2123 the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of
2124 abuse, order the immediate suspension and surrender of any license or permit issued pursuant to
2125 sections 124 to 124C, inclusive, 124E or 125 of chapter 140 that the defendant may hold and
2126 order the defendant to surrender all firearms and ammunition that they then control, own or
2127 possess in accordance with this chapter and said chapter 140 and any firearms license or permit
2128 that the defendant may hold shall be surrendered to the appropriate law enforcement officials in
2129 accordance with this chapter and chapter 140 and, said law enforcement official may store,
2130 transfer or otherwise dispose of any such firearms and ammunition in accordance section 123D
2131 of chapter 140; provided, however, that nothing herein shall authorize the transfer of any
2132 firearms or ammunition surrendered by the defendant to anyone other than a licensed dealer.
2133 Notice of such suspension and ordered surrender shall be appended to the copy of abuse
2134 prevention order served on the defendant pursuant to section 7. Law enforcement officials, upon
2135 the service of said orders, shall immediately take possession of all firearms and ammunition and

2136 any firearms license or permit in the control, ownership, or possession of the defendant. Any
2137 violation of such orders shall be punishable by a fine of not more than \$5,000, or by
2138 imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and
2139 imprisonment.

2140 (b) Any defendant aggrieved by an order of surrender or suspension as described in the
2141 first sentence of subsection (a) may petition the court which issued such suspension or surrender
2142 order for a review of such action and such petition shall be heard no later than 10 court business
2143 days after the receipt of the notice of the petition by the court. If said firearms license or permit
2144 has been suspended upon the issuance of an order issued pursuant to section 4 or 5, said petition
2145 may be heard contemporaneously with the hearing specified in the second sentence of the second
2146 paragraph of section 4. Upon the filing of an affidavit by the defendant that a firearm or
2147 ammunition is required in the performance of the defendant's employment, and upon a request
2148 for an expedited hearing, the court shall order said hearing within 2 business days of receipt of
2149 such affidavit and request but only on the issue of surrender and suspension pursuant to this
2150 section.

2151 Section 3C. Upon the continuation or modification of an order issued pursuant to section
2152 4 or upon petition for review as described in section 3B, the court shall also order or continue to
2153 order the immediate suspension and surrender of a defendant's firearms license or permit and the
2154 surrender of all firearms and ammunition that such defendant then controls, owns or possesses if
2155 the court makes a determination that the return of such firearms license or permit or firearms or
2156 ammunition presents a likelihood of abuse to the plaintiff. A suspension and surrender order
2157 issued pursuant to this section shall continue so long as the restraining order to which it relates is
2158 in effect; and, any law enforcement official to whom such firearm or ammunition is surrendered

2159 may store, transfer or otherwise dispose of any such firearm or ammunition in accordance with
2160 section 123D of chapter 140; provided, however, that nothing herein shall authorize the transfer
2161 of any firearms or ammunition surrendered by the defendant to anyone other than a licensed
2162 dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by
2163 imprisonment for not more than 2 ½ years in a house of correction or by both such fine and
2164 imprisonment.

2165 SECTION 63. Chapter 258E of the General Laws is hereby amended by inserting after
2166 section 4 the following 3 sections:-

2167 Section 4A. Upon issuance of a temporary or emergency order under section 5 or 6, the
2168 court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of
2169 harassment, order the immediate suspension and surrender of any firearms license or permit that
2170 the defendant may hold and order the defendant to surrender all firearms and ammunition that
2171 the defendant then controls, owns or possesses in accordance with this chapter, and chapter 140
2172 and any firearms license or permit that the defendant may hold shall be surrendered to the
2173 appropriate law enforcement officials in accordance with this chapter, and said chapter 140 and
2174 said law enforcement official may store, transfer or otherwise dispose of any such firearms or
2175 ammunition in accordance with section 123D of said chapter 140; provided, however, that
2176 nothing herein shall authorize the transfer of any firearms and ammunition surrendered by the
2177 defendant to anyone other than a licensed dealer. Notice of such suspension and ordered
2178 surrender shall be appended to the copy of the harassment prevention order served on the
2179 defendant pursuant to section 9. Law enforcement officials, upon the service of said orders, shall
2180 immediately take possession of all firearms and ammunition, and any firearms license or permit
2181 in the control, ownership, or possession of said defendant. Any violation of such orders shall be

2182 punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years in
2183 a house of correction, or by both such fine and imprisonment.

2184 Any defendant aggrieved by an order of surrender or suspension as described in the first
2185 sentence of this section may petition the court which issued such suspension or surrender order
2186 for a review of such action and such petition shall be heard no later than 10 court business days
2187 after the receipt of the notice of the petition by the court. If said firearms license or permit has
2188 been suspended upon the issuance of an order issued pursuant to section 5 or 6, said petition may
2189 be heard contemporaneously with the hearing specified in the second sentence of the second
2190 paragraph of section 5. Upon the filing of an affidavit by the defendant that a firearm or
2191 ammunition is required in the performance of the defendant's employment, and upon a request
2192 for an expedited hearing, the court shall order said hearing within 2 business days of receipt of
2193 such affidavit and request but only on the issue of surrender and suspension pursuant to this
2194 section.

2195 Section 4B. Upon the continuation or modification of an order issued pursuant to section
2196 5 or upon petition for review, as described in section 4A, the court shall also order or continue to
2197 order the immediate suspension and surrender of a defendant's firearms license or permit and the
2198 surrender of all firearms and ammunition that such defendant then controls, owns or possesses if
2199 the court makes a determination that the return of such firearms license or permit or firearms and
2200 ammunition presents a likelihood of harassment to the plaintiff. A suspension and surrender
2201 order issued pursuant to this section shall continue so long as the harassment prevention order to
2202 which it relates is in effect; and, any law enforcement official to whom such firearm or
2203 ammunition is surrendered may store, transfer or otherwise dispose of any such firearm or
2204 ammunition in accordance with section 123D of chapter 140; provided, however, that nothing

2205 herein shall authorize the transfer of any firearms or ammunition surrendered by the defendant to
2206 anyone other than a licensed dealer. Any violation of such order shall be punishable by a fine of
2207 not more than \$5,000 or by imprisonment for not more than 2 ½ years in a house of correction or
2208 by both such fine and imprisonment.

2209 Section 4C. Upon an order for suspension or surrender issued pursuant to sections 4A or
2210 4B, the court shall transmit a report containing the defendant's name and identifying information
2211 and a statement describing the defendant's alleged conduct and relationship to the plaintiff to the
2212 department of criminal justice information services. Upon the expiration, cancellation or
2213 revocation of the order, the court shall transmit a report containing the defendant's name and
2214 identifying information, a statement describing the defendant's alleged conduct and relationship
2215 to the plaintiff and an explanation that the order is no longer current or valid, to the department
2216 of criminal justice information services. Any report made pursuant to this section shall be
2217 transmitted by the department of criminal justice information services, pursuant to paragraph (h)
2218 of section 167A of chapter 6, to the attorney general of the United States to be included in the
2219 National Instant Criminal Background Check System.

2220 SECTION 64. Section 15E of chapter 265 of the General Laws, as so appearing, is
2221 hereby amended by striking out, in lines 2 and 3, the words “, large capacity weapon, rifle,
2222 shotgun, sawed-off shotgun or machine gun”.

2223 SECTION 65. Section 15F of said chapter 265, as so appearing, is hereby amended by
2224 striking out, in lines 2 and 3, the words “, large capacity weapon, rifle, shotgun, sawed-off
2225 shotgun or machine gun”.

2226 SECTION 66. Section 17 of said chapter 265, as so appearing, is hereby amended by
2227 striking out, in lines 10 and 11, the words “shotgun, rifle, machine gun or assault weapon” and
2228 inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

2229 SECTION 67. Said section 17 of said chapter 265, as so appearing, is hereby further
2230 amended by striking out, in lines 13 and 14, the words “, shotgun, rifle, machine gun or assault
2231 weapon”.

2232 SECTION 68. Section 18 of said chapter 265, as so appearing, is hereby amended by
2233 striking out, in lines 5 and 6 and line 30, each time they appear, the words “shotgun, rifle,
2234 machine gun or assault weapon” and inserting in place thereof, in each instance, the following
2235 words:- as defined in section 121 of chapter 140,.

2236 SECTION 69. Section 18A of said chapter 265, as so appearing, is hereby amended by
2237 striking out, in line 8, the words “shotgun, rifle or assault weapon” and inserting in place thereof
2238 the following words:- as defined in section 121 of chapter 140.

2239 SECTION 70. Section 18B of said chapter 265, as so appearing, is hereby amended by
2240 striking out, in line 4, the words “rifle or shotgun” and inserting in place thereof the following
2241 words:- as defined in section 121 of chapter 140,.

2242 SECTION 71. Said section 18B of said chapter 265, as so appearing, is hereby further
2243 amended by striking out, in lines 6 and 7, lines 18 and 19 and line 21, each time they appear, the
2244 words “, rifle or shotgun”.

2245 SECTION 72. Said section 18B of said chapter 265, as so appearing, is hereby further
2246 amended by striking out, in lines 7 and 22, each time it appears, the word “weapon” and inserting
2247 in place thereof, in each instance, the following word:- firearm.

2248 SECTION 73. Said section 18B of said chapter 265, as so appearing, is hereby further
2249 amended by striking out, in lines 14 and 15, the words “, rifle or shotgun including, but not
2250 limited to, a large capacity weapon or machine gun”.

2251 SECTION 74. Section 21A of said chapter 265, as so appearing, is hereby amended by
2252 striking out, in lines 14 and 15, the words “rifle, shotgun, machine gun or assault weapon” and
2253 inserting in place thereof the following words:- as defined in section 121 of chapter 140.

2254 SECTION 75. Section 22 of said chapter 265, as so appearing, is hereby amended by
2255 striking out, in lines 28 and 29, the words “rifle, shotgun, machine gun or assault weapon” and
2256 inserting in place thereof the following words:- as defined in section 121 of chapter 140.

2257 SECTION 76. Section 24 of said chapter 265, as so appearing, is hereby amended by
2258 striking out, in line 8, the words “rifle, shotgun, machine gun or assault weapon” and inserting in
2259 place thereof the following words:- as defined in section 121 of chapter 140,.

2260 SECTION 77. Section 24B of said chapter 265, as so appearing, is hereby amended by
2261 striking out, in line 9, the words “rifle, shotgun, machine gun or assault weapon” and inserting in
2262 place thereof the following words:- as defined in section 121 of chapter 140,.

2263 SECTION 78. Section 26 of said chapter 265, as so appearing, is hereby amended by
2264 striking out, in line 16, the words “rifle, shotgun, machine gun or assault weapon” and inserting
2265 in place thereof the following words:- as defined in section 121 of chapter 140,.

2266 SECTION 79. Said section 26 of said chapter 265, as so appearing, is hereby further
2267 amended by striking out, in lines 22 and 23, the words “, rifle, shotgun, machine gun or assault
2268 weapon”.

2269 SECTION 80. Section 39 of said chapter 265, as so appearing, is hereby amended by
2270 striking out, in line 22, the words “rifle, shotgun, machine gun or assault weapon” and inserting
2271 in place thereof the following words:- as defined in section 121 of chapter 140,.

2272 SECTION 81. Section 58 of said chapter 265, as so appearing, is hereby amended by
2273 striking out, in line 2, the word “weapon” and inserting in place thereof the following word:-
2274 firearm.

2275 SECTION 82. Section 14 of chapter 266 of the General Laws, as so appearing, is hereby
2276 amended by striking out, in line 10, the words “rifle, shotgun, machine gun or assault weapon”
2277 and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

2278 SECTION 83. Section 17 of said chapter 266, as so appearing, is hereby amended by
2279 striking out, in line 7, the words “rifle, shotgun, machine gun or assault weapon” and inserting in
2280 place thereof the following words:- as defined in section 121 of chapter 140,.

2281 SECTION 84. Section 18 of said chapter 266, as so appearing, is hereby amended by
2282 striking out, in lines 8 and 9, the words “rifle, shotgun, machine gun or assault weapon” and
2283 inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

2284 SECTION 85. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby
2285 amended by striking out subsection (a) and inserting in place thereof the following subsection:-

2286 (a)(1) Whoever, except as provided or exempted by general or special law, knowingly
2287 has in their possession, or knowingly has under their control in a vehicle, a firearm that is not a
2288 common long gun, loaded or unloaded, as defined in section 121 of chapter 140, without either:

2289 (i) being present in or on their residence or place of business;

2290 (ii) having in effect a license to carry firearms under sections 124 or 124B of said chapter
2291 140;

2292 (iii) having satisfied the conditions for exemption under sections 127 or 127A of said
2293 chapter 140; or

2294 (iv) having complied as to possession of an air rifle or BB gun with the requirements
2295 imposed by section 12B shall be punished by imprisonment in the state prison for not less than 2
2296 ½ years nor more than 5 years, or for not less than 18 months nor more than 2 ½ years in a jail or
2297 house of correction.

2298 (2) Whoever, except as provided or exempted by statute, knowingly has in their
2299 possession, or knowingly has under control in a vehicle, a common long gun, loaded or
2300 unloaded, as defined in section 121 of chapter 140, without either:

2301 (i) being present in or on their residence or place of business; or

2302 (ii) having in effect a license to carry or permit authorizing the carry of common long
2303 guns under sections 124 to 124B, inclusive, of said chapter 140; or

2304 (iii) having satisfied the conditions for exemption under sections 127 or 127A of said
2305 chapter 140; or

2306 (iv) having complied as to possession of an air rifle or BB gun with the requirements
2307 imposed by section 12B, shall be punished by imprisonment in the state prison for not less than 2
2308 ½ years nor more than 5 years, or for not less than 18 months nor more than 2 ½ years in a jail or
2309 house of correction.

2310 (3) The sentence imposed on such person pursuant to paragraphs (1) and (2) shall not be
2311 reduced to less than 18 months, nor suspended, nor shall any person convicted under this
2312 subsection be eligible for probation, parole, work release, or furlough or receive any deduction
2313 from their sentence for good conduct until they shall have served 18 months of such sentence;
2314 provided, however, that the commissioner of correction may on the recommendation of the
2315 warden, superintendent, or other person in charge of a correctional institution, grant to an
2316 offender committed under this subsection a temporary release in the custody of an officer of such
2317 institution for the following purposes only: to attend the funeral of a relative; to visit a critically
2318 ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution.
2319 Prosecutions commenced under this subsection shall neither be continued without a finding nor
2320 placed on file.

2321 (4) No person having in effect a license to carry firearms issued under section 124 or
2322 section 124B of chapter 140 shall be deemed to be in violation of this section.

2323 (5) Section 87 of chapter 276 shall not apply to any person 18 years of age or older,
2324 charged with a violation of this subsection, or to any child between ages 14 and 18 so charged, if
2325 the court is of the opinion that the interests of the public require that the person should be tried as
2326 an adult for such offense instead of being dealt with as a child.

2327 (6) This subsection shall not affect the licensing requirements of section 124A of chapter
2328 140 which require every person not otherwise duly licensed or exempted to have been issued a
2329 long gun permit in order to possess a firearm in their residence or place of business.

2330 SECTION 86. Said section 10 of said chapter 269, as so appearing, is hereby further
2331 amended by striking out, in lines 97 to 99, inclusive, the words “as defined in section one
2332 hundred and twenty-one of chapter one hundred and forty, without permission under section one
2333 hundred and thirty-one of said chapter one hundred and forty” and inserting in place thereof the
2334 following words:- bump stock or trigger modifier, as defined in section 121 of chapter 140,
2335 without permission under section 124 of said chapter 140.

2336 SECTION 87. Said section 10 of said chapter 269, as so appearing, is hereby further
2337 amended by striking out, in line 134, the words “, any rifle or shotgun” and inserting in place
2338 thereof the following words:- any firearm.

2339 SECTION 88. Said section 10 of said chapter 269, as so appearing, is hereby further
2340 amended by striking out, in lines 135 to 137, inclusive, the words “the requirement of a serial
2341 number, as provided in section one hundred and twenty-nine B of chapter one hundred and forty”
2342 and inserting in place thereof the following words:- the registration requirement, as provided in
2343 section 122 of chapter 140.

2344 SECTION 89. Said section 10 of said chapter 269, as so appearing, is hereby further
2345 amended by striking out, in lines 140 and 141, line 150 and lines 151 and 152, each time they
2346 appear, the words “, rifle, shotgun”.

2347 SECTION 90. Said section 10 of said chapter 269, as so appearing, is hereby further
2348 amended by striking out, in line 142, the figure “129C” and inserting in place thereof the
2349 following figure:- 127B.

2350 SECTION 91. Said section 10 of said chapter 269, as so appearing, is hereby further
2351 amended by striking out, in line 153, the words “129C of chapter 140 or section 131” and
2352 inserting in place thereof the following figure:- 124.

2353 SECTION 92. Said section 10 of said section 269, as so appearing, is hereby further
2354 amended by striking out subsections (i) and (j) and inserting in place thereof the following 2
2355 subsections:-

2356 (i) Whoever knowingly fails to deliver or surrender a revoked or suspended firearms
2357 license or permit issued under sections 124 to 125B, inclusive, of chapter 140, or a firearm, as
2358 provided in section 123D of chapter 140, unless an appeal is pending, shall be punished by
2359 imprisonment in a jail or house of correction for not more than 2 ½ years or by a fine of not more
2360 than \$1,000.

2361 (j)(1) Whoever possesses a firearm, loaded or unloaded, as defined in section 121 of
2362 chapter 140, in a prohibited area, and knows or reasonably should know such location is a
2363 prohibited area, shall be punished by a fine of not more than \$1,000 or by imprisonment in the
2364 house of correction for not more than 2 ½ years, or both such fine and imprisonment.

2365 (2) For the purposes of this subsection, “prohibited area” shall mean any of the following
2366 locations:

2367 (i) a place owned, leased, or under the control of state, county or municipal government
2368 and used for the purpose of government administration, judicial or court administrative
2369 proceedings, or correctional services, including in or upon any part of the buildings, grounds, or
2370 parking areas thereof;

2371 (ii) a location in use at the time of possession as a polling place or for the storage or
2372 tabulation of ballots;

2373 (iii) an elementary school, secondary school, college or university including transport
2374 used for students of said institution, including in or upon any part of the buildings, grounds, or
2375 parking areas thereof; and

2376 (iv) any private, residential dwelling of another, not held open to the public, unless the
2377 person in possession of the firearm: (A) has a valid firearms license or permit issued under
2378 sections 124 to 124B, inclusive, of chapter 140; and (B) has been given express authorization to
2379 carry a firearm in said dwelling by the property owner or lessee, or an agent thereof; provided,
2380 that express authorization shall be signified by unambiguous written or verbal authorization or
2381 by the posting of clear and conspicuous signage on the building or the premises by the property
2382 owner or lessee, or an agent thereof, indicating that possession of a firearm is authorized.

2383 (3) A law enforcement officer may arrest without a warrant and detain a person found in
2384 violation of this subsection.

2385 (4) It shall be a defense to a violation of this subsection that a person with a license or
2386 permit issued under sections 124 to 124B, inclusive, of chapter 140 securely stored the licensed
2387 firearm in a vehicle while within the prohibited area in accordance with sections 126B and 126C
2388 of chapter 140.

2389 (5) This subsection shall not apply to a law enforcement officer while in performance of
2390 their official duties or to a security guard employed at the prohibited area while at the location of
2391 their employment and during the course of their employment or to firearms possessed or stored
2392 at prohibited locations listed in clause (iii) of subsection (2) other than elementary schools if
2393 authorized by the location with written notice to the state police.

2394 (6) Nothing in this subsection shall limit the enforceability of a provision in any private
2395 rental or lease agreement restricting a party's or a tenant's possession or use of firearms on the
2396 property or in the residential dwelling, the enforceability of a restrictive covenant restricting the
2397 possession or use of firearms on the property or in the residential dwelling, or the authority of
2398 any private entity, including but not limited to, any homeowners' association, community
2399 association, planned community association, condominium association, cooperative, or any other
2400 nongovernmental entity with covenants, bylaws or administrative rules, regulations or provisions
2401 governing the use of private property, to restrict the possession or use of firearms on private
2402 property.

2403 SECTION 93. Said section 10 of said chapter 269, as so appearing, is hereby further
2404 amended by striking out, in line 196 and 226, each time it appears, the word "weapon" and
2405 inserting in place thereof, in each instance, the following word:- firearm.

2406 SECTION 94. Said section 10 of said chapter 269, as so appearing, is hereby further
2407 amended by striking out, in lines 197 and 198, the words "131 or 131F" and inserting in place
2408 thereof the following words:- 124 or 124B.

2409 SECTION 95. Said section 10 of said chapter 269, as so appearing, is hereby further
2410 amended by striking out, in line 201 and lines 204 and 205, each time they appear, the words

2411 “firearm identification card” and inserting in place thereof, in each instance, the following
2412 words:- long gun permit.

2413 SECTION 96. Said section 10 of said chapter 269, as so appearing, is hereby further
2414 amended by striking out, in line 202, the figure “129B” and inserting in place thereof the
2415 following figure:- 124A.

2416 SECTION 97. Said section 10 of said chapter 269, as so appearing, is hereby further
2417 amended by striking out, in line 240, the words “, loaded sawed off shotgun or loaded machine
2418 gun”.

2419 SECTION 98. Subsection (o) of said section 10 of said chapter 269, as so appearing, is
2420 hereby amended by striking out the second paragraph and inserting in place thereof the following
2421 paragraph:-

2422 For purposes of this section, the terms “ammunition” and “firearm” shall have the same
2423 meaning as those terms are defined in section 121 of chapter 140.

2424 SECTION 99. Section 10E of said chapter 269 of the General Laws, as so appearing, is
2425 hereby amended by striking out, in lines 4 and 5, the words “rifles, shotguns, machines guns, or
2426 any combination thereof,” and inserting in place thereof the following words:- as defined in
2427 section 121 of chapter 140.

2428 SECTION 100. Said section 10E of said chapter 269, as so appearing, is hereby further
2429 amended by striking out, in lines 5 and 6, the words “, rifles, shotguns, machines guns, or any
2430 combination thereof”.

2431 SECTION 101. Section 10F of said chapter 269, as so appearing, is hereby amended by
2432 striking out, in lines 3 and 31, each time it appears, the word “weapon” and inserting in place
2433 thereof, in each instance, the following word:- firearm.

2434 SECTION 102. Section 10H of said chapter 269, as so appearing, is hereby amended by
2435 striking out, in lines 2 and 3, the words “131 or 131F of chapter 140, carries on his person, or has
2436 under his control” and inserting in place thereof the following words:- 124 or 124B of chapter
2437 140, carries on their person or has under their control.

2438 SECTION 103. Said section 10H of said chapter 269, as so appearing, is hereby further
2439 amended by inserting after the figure “140,” in line 4, the following words:- while with a
2440 percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

2441 SECTION 104. Said chapter 269 is hereby amended by striking out section 10I, as so
2442 appearing, and inserting in place thereof the following section:-

2443 Section 10I. (a) Whoever transports a firearm, as defined in section 121 of chapter 140,
2444 into the commonwealth to use for the commission of criminal activity shall be punished by
2445 imprisonment for not less than 5 years nor more than 10 years.

2446 (b) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or
2447 transfer possession of the firearm to a prohibited person, as defined in section 123 of chapter
2448 140, shall be punished by imprisonment in state prison for not less than 10 years nor more than
2449 20 years.

2450 (c) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or
2451 transfer the firearm to a prohibited person, as defined in section 123 of chapter 140, and if the

2452 firearm is subsequently used to cause the death of another, shall be punished by imprisonment in
2453 state prison for not less than 20 years.

2454 SECTION 105. Section 10J of said chapter 269, as so appearing, is hereby amended by
2455 striking out, in line 9, the figure “131” and inserting in place therefor the following figure:- 123.

2456 SECTION 106. Section 10K of said chapter 269, as so appearing, is hereby amended by
2457 striking out, in lines 9 and 10, lines 15 and 16, and line 19, each time they appear, the words “,
2458 rifle, shotgun, machine gun or ammunition” and inserting in place thereof, in each instance, the
2459 following words:- or ammunition, as defined in section 121 of chapter 140.

2460 SECTION 107. Section 11 of said chapter 269, as so appearing, is hereby amended by
2461 striking out, in line 4, the words “one hundred and thirty-one of chapter one hundred and forty”
2462 and inserting in place thereof the following words:- 124 of chapter 140.

2463 SECTION 108. Said chapter 269 is hereby amended by striking out section 11A, as so
2464 appearing, and inserting in place thereof the following section:-

2465 Section 11A. For the purposes of sections 11A to 11C, inclusive, the terms “firearm”,
2466 “serial number” and “untraceable firearm” shall have the same definitions as section 121 of
2467 chapter 140.

2468 SECTION 109. Section 11B of said chapter 269, as so appearing, is hereby amended by
2469 striking out the first sentence and inserting in place thereof the following sentence:- Whoever,
2470 while in the commission or attempted commission of a felony, has in their possession or under
2471 their control an untraceable firearm, shall be punished by imprisonment for not less than 2 ½
2472 years.

2473 SECTION 110. Section 11C of said chapter 269, as so appearing, is hereby amended by
2474 striking out the first sentence and inserting in place thereof the following sentence:-

2475 Whoever, by themselves or with another, creates an untraceable firearm, or knowingly
2476 participates in the creation of an untraceable firearm or receives a firearm with knowledge that it
2477 is untraceable, shall be punished by imprisonment for not less than 2½ years.

2478 SECTION 111. Said section 11C of said chapter 269, as so appearing, is hereby further
2479 amended by striking out, in lines 9 to 11, inclusive, the words “the serial number or identification
2480 number of which has been removed, defaced, altered, obliterated or mutilated in any manner”
2481 and inserting in place thereof the following words:- that is untraceable.

2482 SECTION 112. Said section 11C of said chapter 269, as so appearing, is hereby further
2483 amended by striking out, in lines 14 to 15, inclusive, the words “whatever that such number had
2484 been removed, defaced, altered, obliterated or mutilated” and inserting in place thereof the
2485 following words:- that the firearm was untraceable.

2486 SECTION 113. Said section 11C of said chapter 269, as so appearing, is hereby further
2487 amended by striking out, in lines 19 and 20, the words “or other article”.

2488 SECTION 114. Section 11E of said chapter 269, as so appearing, is hereby repealed.

2489 SECTION 115. Section 12D of said chapter 269, as so appearing, is hereby amended by
2490 striking out, in line 30, the word “weapon” and inserting in place thereof the following word:-
2491 firearm.

2492 SECTION 116. Said chapter 269, as so appearing, is hereby amended by striking out
2493 section 12E and inserting in place thereof the following section:-

2494 Section 12E. (a) Whoever discharges a firearm as defined in section 121 of chapter 140
2495 within 500 feet of a dwelling or other building in use, except with the consent of the owner or
2496 legal occupant thereof, shall be punished by a fine of not less than \$50 nor more than \$100 or by
2497 imprisonment in a jail or house of correction for not more than 3 months, or both such fine and
2498 imprisonment.

2499 (b) This section shall not apply to any of the following: (i) the lawful defense of life and
2500 property; (ii) any law enforcement officer acting in the discharge of their duties; or (iii) the
2501 discharge of blank cartridges for theatrical, athletic, ceremonial, firing squad or other purposes in
2502 accordance with section 39 of chapter 148.

2503 (c) This section shall not apply to a dwelling or building on the same property as: (i)
2504 persons using underground or indoor target or test ranges with the consent of the owner or legal
2505 occupant thereof; (ii) persons using outdoor skeet, trap, target or test ranges with the consent of
2506 the owner or legal occupant of the land on which the range is established; or (iii) persons using
2507 shooting galleries, licensed and defined in section 56A of chapter 140. Nothing in this section
2508 shall exempt any persons from compliance with noise control laws, regulations, ordinances or
2509 by-laws in effect or from the prohibitions of section 58 of chapter 131.

2510 SECTION 117. Section 12F of said chapter 269, as so appearing, is hereby amended by
2511 striking out, in lines 11 and 12, the words “as defined in section 131J of chapter 140, any rifle,
2512 shotgun”.

2513 SECTION 118. Said chapter 269, as so appearing, is hereby amended by inserting after
2514 section 12F the following section:-

2515 Section 12G. Whoever discharges a firearm, as defined in section 121 of chapter 140,
2516 with reckless disregard to striking a dwelling or other building in use, and as a result does strike
2517 such dwelling or building, shall be punished by imprisonment in the house of correction for not
2518 more than 2 ½ years, or in state prison for not more than 5 years. This section shall not apply to
2519 persons acting in the lawful defense of life or property or any law enforcement officer acting in
2520 the discharge of their duties. This section shall not apply for dwellings or buildings within the
2521 property of: (a) persons using underground or indoor target or test ranges with the consent of the
2522 owner or legal occupant thereof; (b) persons using outdoor skeet, trap, target or test ranges with
2523 the consent of the owner or legal occupant of the land on which the range is established; or (c)
2524 persons using shooting galleries, licensed and defined in section 56A of chapter 140. Nothing in
2525 this section shall exempt any persons from compliance with noise control laws, ordinances or by-
2526 laws in effect or from the prohibitions of section 58 of chapter 131.

2527 SECTION 119. Section 14 of said chapter 269, as so appearing, is hereby amended by
2528 striking out, in line 15, the words “rifle, shotgun, machine gun or assault weapon.”.

2529 SECTION 120. Section 58A of chapter 276 of the General Laws, as so appearing, is
2530 hereby amended by striking out, in line 21, the words “weapon or machine gun” and inserting in
2531 place thereof the following word:- firearm.

2532 SECTION 121. Said section 58A of said chapter 276, as so appearing, is hereby further
2533 amended by striking out, in line 28, the word “weapon” and inserting in place thereof the
2534 following word:- firearm.

2535 SECTION 122. Section 100A of said chapter 276, as so appearing, is hereby amended by
2536 striking out, in line 26, the figure “131H” and inserting in place thereof the following figure:-
2537 130E.

2538 SECTION 123. Section 100J of said chapter 276, as so appearing, is hereby amended by
2539 striking out, in line 17, the figure “131Q” and inserting in place thereof the following figure:-
2540 130E.

2541 SECTION 124. Section 25 of chapter 279 of the General Laws, as so appearing, is hereby
2542 amended by striking out, in lines 17 and 18, the words “, shotgun, rifle, machine gun, or assault
2543 weapon,” and inserting in place thereof the following words:- as defined in section 121 of
2544 chapter 140.

2545 SECTION 125. (a) As used in this section, the following words shall, unless the context
2546 clearly requires otherwise, have the following meanings:

2547 “Microstamp”, a microscopic array of characters identifying the make, model, or serial
2548 number of a firearm, etched or otherwise imprinted in 2 or more places on the interior surface or
2549 the internal working parts of the firearm, that are transferred by imprinting on each cartridge case
2550 when the firearm is fired.

2551 “Personalized firearm”, a firearm manufactured with incorporated design technology or
2552 converted with such technology so that it: (i) allows the firearm to be fired only by an authorized
2553 user; or (ii) prevents any of the safety characteristics of the firearm from being readily
2554 deactivated.

2555 (b) There is hereby established, pursuant to section 2A of chapter 4 of the General Laws,
2556 a special legislative commission to study and investigate emerging firearm technology.

2557 (c) The special legislative commission shall consist of 13 members: the chairs of the joint
2558 committee on the judiciary or their designees, who shall serve as co-chairs; the secretary of
2559 public safety and security or a designee; the colonel of the state police or a designee; 2 members
2560 appointed by the speaker of the house of representatives; 2 members appointed by the president
2561 of the senate; 1 member appointed by the minority leader of the house of representatives; 1
2562 member appointed by the minority leader of the senate; 2 members appointed by the governor, 1
2563 of whom shall be an expert in emerging firearm technologies; and 1 member appointed by the
2564 National Shooting Sports Foundation, Inc.

2565 (d) The special legislative commission shall investigate and study the status, feasibility,
2566 and utility of emerging firearm technologies, including, but not limited to, personalized firearm
2567 technology and microstamp technology. The study shall include: (i) a review of existing and
2568 developing personalized firearm and microstamp technologies; (ii) an investigation of the
2569 accuracy, effectiveness and utility of personalized firearm and microstamp technologies; (iii) an
2570 evaluation of the commercial availability of personalized firearm and microstamp technologies,
2571 both in the production of new firearms and modification of existing firearms; (iv) an
2572 investigation of the cost and impacts associated with requiring the use of personalized firearm or
2573 microstamp technologies in the commonwealth; and (v) evaluation of the feasibility and utility of
2574 a personalized firearm technology tax incentive program.

2575 (e) The special legislative commission shall submit a report of its study and
2576 recommendations, together with any legislative recommendations, to the clerks of the house of
2577 representatives and the senate on or before September 30, 2024.

2578 SECTION 126. (a) There is hereby established, pursuant to section 2A of chapter 4 of the
2579 General Laws, a special legislative commission to study the commonwealth's funding structure
2580 for violence prevention services.

2581 (b) The special legislative commission shall consist of 17 members: the chairs of the joint
2582 committee on public safety and homeland security or their designees, who shall serve as co-
2583 chairs; the secretary of public safety and security or a designee; the secretary of health and
2584 human services or a designee; 2 members appointed by the speaker of the house of
2585 representatives, 1 of whom shall be from an organization that has received a grant through the
2586 Safe and Successful Youth Initiative; 2 members appointed by the president of the senate, 1 of
2587 whom shall be from an organization that has received a grant through the Safe and Successful
2588 Youth Initiative; 1 member appointed by the minority leader of the house of representatives; 1
2589 member appointed by the minority leader of the senate; 1 member appointed by the governor
2590 who shall be from an organization involved in early child education or development; 2 members
2591 appointed by the Massachusetts Black and Latino Legislative Caucus; 1 member appointed by
2592 the Massachusetts Asian-American Legislative Caucus; 1 member appointed by the caucus of
2593 women legislators; 1 member appointed by the Massachusetts Association of School
2594 Superintendents, Inc.; 1 member appointed by the Massachusetts Health and Hospital
2595 Association, Inc.

2596 (c) The special legislative commission shall: (i) examine and evaluate the existing
2597 government funding structure for violence prevention services in the commonwealth, including
2598 funding sources, initiatives and programs utilized, specific services funded, communities served,
2599 how funding decisions are made, and how service providers and programs are chosen; and (ii)
2600 recommend changes to promote efficiency, transparency, accessibility and utility with the
2601 ultimate goal of enhancing violence prevention services and minimizing the disproportionate
2602 impact of violence in historically impacted communities.

2603 (d) The special legislative commission shall submit a report of its study and
2604 recommendations, together with any proposed legislation, to the clerks of the house of
2605 representatives and the senate on or before September 30, 2024.

2606 SECTION 127. A valid license to carry a firearm issued under sections 131 or 131F of
2607 chapter 140 of the General Laws, a valid firearm identification card under section 129B of said
2608 chapter 140 or a valid license to sell under section 122 of said chapter 140, shall remain valid
2609 until the expiration of said license and shall entitle the holder to possess the firearms authorized
2610 by the license at the time it was last issued or renewed; provided, however, that upon the
2611 expiration of a firearm identification card under said section 129B of said chapter 140, said
2612 firearm identification card may be renewed for a long gun permit under section 124A of said
2613 chapter 140, as inserted by section 45.

2614 SECTION 128. Not later than 6 months after the effective date of this act, the executive
2615 office of public safety and security shall notify all individuals with licenses to carry and firearm
2616 identification cards valid on the effective date of this act of the requirements under sections 122

2617 of chapter 140 of the General Laws, as inserted by section 39, and section 122A of said chapter
2618 140, as inserted by section 40.

2619 SECTION 129. (a) Not later than 6 months after the effective date of this act, the
2620 executive office of public safety and security shall promulgate regulations required by section
2621 122 of chapter 140 of the General Laws, as inserted by section 39.

2622 (b) Not later than 6 months after the effective date of this act, the executive office of
2623 public safety and security, in consultation with the department of criminal justice information
2624 services, shall promulgate regulations required by section 122A of said chapter 140, as inserted
2625 by section 40.

2626 SECTION 130. Not later than 1 year after the effective date of this act, the department of
2627 criminal justice information services shall establish the online dashboard and publish firearm
2628 data required by subsection (c) of section 122B of chapter 140 of the General Laws, as inserted
2629 by section 41.

2630 SECTION 131. The department of criminal justice information services shall establish
2631 the electronic firearms registration system established pursuant to section 122 of chapter 140 of
2632 the General Laws, as inserted by section 39, not later than 1 year after the effective date of this
2633 act; provided, that all firearms shall be registered in accordance with this act and not later than 1
2634 year after said electronic firearms registration system is completed and publicly available.

2635 SECTION 132. The department of criminal justice information services shall establish
2636 the serial number request system established pursuant to section 122A of chapter 140 of the
2637 General Laws, as inserted by section 40, not later than 1 year after the effective date of this act;

2638 provided, that all firearms shall be serialized in accordance with this act and not later than 1 year
2639 after said serial number request system is completed and publicly available.

2640 SECTION 133. Sections 126 and 126A of chapter 140 of the General Laws, as inserted
2641 by section 47, shall take effect 1 year after the effective date of this act; provided, however, that
2642 until such time, new applicants for a license or permit under sections 124 to 124B, inclusive,
2643 124E, 125, 125B of said chapter 140, as inserted by section 45, shall complete a basic firearms
2644 safety certificate that satisfies the requirements of section 131P of chapter 140 of the General
2645 Laws as in effect on October 1, 2023.

2646 SECTION 134. Section 60 shall take effect 1 year after the effective date of this act.

2647 SECTION 135. Subsection (i) of section 125A of chapter 140 of the General Laws, as
2648 inserted by section 46, shall take effect 18 months after the effective date of this act. Until such
2649 time, the licensing authority shall enter, 1 time per calendar year, during regular business hours,
2650 the business premises of any licensee, and make inquiries and inspect the licensee's records,
2651 inventory, policies and procedures for the purpose of enforcing said section 125A of said chapter
2652 140. Licensees found to be in violation of said section 125A of said chapter 140 shall be subject
2653 to the suspension or revocation of their license to sell. Nothing herein shall prohibit law
2654 enforcement from conducting such inspections pursuant to a valid search warrant issued by a
2655 court of competent jurisdiction.