

Selected Massachusetts Laws Pertaining to Firearms

Firearm Licenses:

Massachusetts residents 15 years and older who wish to possess, carry, and transport firearms, ammunition, and feeding devices are required to have a firearms license.

FID (Firearms Identification Card): Permits the purchase, possession, and transportation of non-large-capacity rifles and shotguns with a capacity of no more than 10 rounds and their carrying for hunting and sporting purposes. FIDs are "shall issue," except if the applicant fails a background check or is deemed "unsuitable" by the Police Chief.

New FID applicants must be 18 years or older (or 14–17 years of age with parental consent). Applicants 14 years old may apply, but *will not* be issued the card until they reach age 15).

LTC (License to Carry): Allows purchase, possession, transportation, and carrying of all large- and non-large-capacity handguns, rifles, shotguns, and feeding devices, as well as ammunition. This is the only license that allows the carrying of concealed handguns—either loaded or unloaded. A LTC is the only permit that allows concealed carry of handguns – either loaded or unloaded - in the state assuming it has not had any restrictions placed on it by the Chief of Police or issuing authority.

New LTC applicants must be 21 years of age or older to obtain a permit.

Restrictions – subject to each Police Chief definition. Violations are cause for suspension and revocation of license and a fine (\$1,000 - \$10,000)

- Target and hunting: restricts possession to lawful recreational shooting or competition; for use in the lawful pursuit of game animals and birds; for personal protection in the home; and for the purpose of collecting (other than machine guns). Includes travel to and from activity location (most common restriction)
- Employment: restricts possession to business owner engaged in business activities or to an employee while engaged in work-related activities, and maintaining proficiency, where the employer requires the carry of a firearm (armored car, security guard, etc.). Includes travel to and from activity location.
- Sporting: restricts possession to lawful recreational shooting or competition; for use in the lawful pursuit of game animals and birds; for personal protection in the home; for the purpose of collecting (other than machine guns); and for outdoor activities such as hiking, camping, cross-country skiing, or similar activities. Includes travel to and from activity location.
- Other: Issuing Chief has special reason or direction for the restriction of the permit. Can vary greatly.

Machine gun license: Issued only to firearm instructor certified by Criminal Justice Training Council for the sole purpose of instruction to police personnel, or a bona fide collector of firearms upon application or renewal of such license.

A "bona fide collector of firearms," is defined as an individual who acquires firearms for such lawful purposes as historical significance, display, research, lecturing, demonstration, test firing, investment or similar purpose. Acquiring firearms for sport or use as offensive or defensive weapon does NOT qualify applicant as a bona fide collector.

Licensing process:

Firearm owners licensed through local Police Department or State Police if no local licensing authority is available. A license is required by state law for buying firearms and ammunition. An applicant must have passed a state approved firearm safety course before applying for a license.

All applications, interviews, fees, and fingerprinting are done at the local Police Department then sent electronically to the Massachusetts Criminal History Board for the mandatory background checks and processing. Approved applicants receive their license from the issuing Police Department. All licensing information is stored by the Criminal History Board. Non-residents who are planning on carrying in the state must apply for a temporary license to carry (LTC) through the State Police before their travel.

Training requirements:

All first-time firearm license applicants must successfully complete a MA Certified Firearms Safety Course or a Basic Hunter Education Course and submit a certificate of completion with their firearms license application.

Assault weapons:

The sale, transfer, or possession of an "Assault weapon," is unlawful.

"Assault weapon" is defined as a semiautomatic assault weapon and includes but is not limited to any of the weapons, or copies or duplicates of the weapons of any caliber, known as:

- Avtomat Kalashnikov (AK) (all models)
- Action Arms Israeli Military Industries UZI and Galil
- Beretta Ar70 (SC-70)
- Colt AR-15
- Fabrique National FN/FAL, FN/LAR and FNC
- SWD M-10, M-11, M-11/9 and M-12
- Steyr AUG
- INTRATEC TEC-9, TEC-DC9 and TEC-22
- revolving cylinder shotguns (e.g., Street Sweeper and Striker 12)

The term "assault weapon" shall not include:

- any weapon lawfully owned prior to September 13, 1994
- any weapons, replicas or duplicates of such weapons manufactured prior to October 1, 1993;
- any weapon operated by manual bolt, pump, lever or slide action;
- any weapon rendered permanently inoperable or otherwise rendered permanently unable to be designated a semiautomatic assault weapon;
- any weapon that was manufactured prior to the year 1899;
- any weapon that is an antique or relic, theatrical prop or other weapon not capable of firing a projectile and not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable assault weapon;
- any semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition;
- any semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine.

Also included in the definition of assault weapon are:

- a semiautomatic rifle able to accept a detachable magazine and has at least 2 of the following:
 - a folding or telescoping stock
 - a pistol grip that protrudes conspicuously beneath the action of the weapon
 - a bayonet mount

- a flash suppressor or threaded barrel to accommodate a flash suppressor
- a grenade launcher
- a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of the following:
 - an ammunition magazine that attaches to the pistol outside of the pistol grip
 - a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer
- a shroud that is attached to, or partially or completely encircles, the barrel and permits the shooter to hold the firearm with the non-trigger hand without being burned

Also included in the Massachusetts ban of assault weapons including their copies or duplicates:

- a manufactured weight of 50 ounces or more when the pistol is unloaded
- a semiautomatic version of an automatic firearm
- a semiautomatic shotgun that has at least 2 of the following:
 - a folding or telescoping stock
 - a pistol grip that protrudes conspicuously beneath the action of the weapon
 - a fixed magazine capacity in excess of 5 rounds
 - an ability to accept a detachable magazine

Firearm storage:

Unless carried or under the control of the owner, all firearms are to be stored in a locked container, or equipped with a tamper-resistant mechanical lock or other properly engaged safety device so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user. Primitive weapons are exempt

In a vehicle, the firearm must be unloaded and contained within the locked trunk of such vehicle or in a locked case or other secure container, unless the owner has a LTC, in which case the firearm must be under the licensee's direct control. Any firearms that are found to be unsecured may be confiscated by law enforcement officers and license may be revoked. Fines and imprisonment may also be enacted.

With license revocation, law enforcement confiscates all weapons and stores them for a year before destroying or selling them unless the revoked licensee transfers ownership to a properly licensed party who then claims the firearms.

Non-Residents:

Non-residents do not need a firearms license to transport their firearms in or through the Commonwealth, provided the firearms are unloaded and enclosed in a case while traveling.

Non-residents with a valid Massachusetts non-resident hunting license do not need a firearm license to possess or carry rifles and shotguns and ammunition during the hunting season.

Non-residents may not purchase guns or ammunition in Massachusetts without authorization.

Extreme Risk Protection Order (ERPO) – red flag law:

An ERPO directs a person to surrender their license to possess/carry a gun and any firearms, rifles, shotguns, machine guns, stun guns, or ammunition that they possess, control, or own. Issued against a person with a license to possess or carry a gun and who poses a risk of physically hurting themselves or others by having in their control, owning, or possessing a firearm, rifle, shotgun, machine gun, stun gun, or ammunition.

A family or household member or the police department in the city or town where the respondent lives can file a petition. This includes someone who is or was engaged to or married to the respondent; is or was living in the same household as the respondent; is or was related by blood or marriage to the respondent; has or is having a child with the respondent, regardless of whether they have ever been married or lived together; is or has been in a serious dating relationship with the respondent.

References:

www.mass.gov/info-details/gun-ownership-in-massachusetts

www.mass.gov/lists/massachusetts-firearms-laws

www.mass.gov/doc/enforcement-notice/download