H 4885

Chapter 135
of the Acts of 2024

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninety-Third General Court

AN ACT MODERNIZING FIREARM LAWS.

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

SECTION 1. Section 172M of chapter 6 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words:- "and unmonitored contact with firearms, shotguns or rifles" and inserting in place thereof the following words:- contact with firearms, as defined in section 121 of said chapter 140.

SECTION 2. Section 18¾ of chapter 6A of the General Laws, as so appearing, is hereby amended by striking out, in lines 88 and 89, the words "and (v) the effectiveness of section 128B of chapter 140" and inserting in place thereof the following words:- (v) the effectiveness of section 128B of chapter 140; and (vi) an analysis of whether the license number used for the purchase or transfer of a firearm used in a crime or attempted or completed suicide was associated with the purchase or transfer of any other firearm, in the commonwealth or any other jurisdiction, within a 12-month period prior to or subsequent to the sale of the recovered firearm and the total number of such firearms purchased and transferred by that license holder and whether any of such firearms were also used in the commission of a crime.

SECTION 3. Section 5J of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in lines 10 and 11, inclusive, the words "and ammunitions dealers licensed pursuant to section 122B of said chapter 140".

SECTION 4. Section 2LLL of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "fee assessed under sections 122, 122B, 129B, 131, 131A, 131F, and 131H" and inserting in place thereof the following words:- fees assessed under section 121F, 131A and 131F.

SECTION 5. Said chapter 29 is hereby further amended by inserting after section 2DDDDDD the following section:-

Section 2EEEEEE. To enhance violence prevention and intervention services, there shall be established and set up on the books of the commonwealth a separate fund to be known as the Violence Prevention Federal Reinvestment Trust Fund. There shall be credited to the fund revenues equal to the amount of federal financial participation received by the General Fund for expenditures for violence prevention and intervention services and any other reimbursements, grants, premiums, gifts, interest or other contributions from any source received that are specifically designated to be credited to the fund. The secretary of health and human services shall be the trustee of the fund.

To accommodate timing discrepancies between the receipt of revenues and related expenditures, the fund may incur expenses, and the comptroller shall certify for payment amounts not to exceed the most recent revenue estimate certified by the MassHealth director and reported in the state accounting system. Amounts credited to the fund shall be subject to further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

The secretary shall report annually on or before August 1 to the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on the judiciary, the joint committee on public safety and homeland security and the joint committee on public health on the revenue and expenditure activity within the trust fund.

SECTION 6. Section 10B of chapter 66 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 7 and 8, the following words:- , rifles, shotguns, machine guns.

SECTION 7. Said section 10B of said chapter 66, as so appearing, is hereby further amended, in line 14, by inserting after the word "request" the following words:- provided, however, that nothing in this section shall prohibit the transmission of data and other information to the department of criminal justice information services and its use pursuant to section 121E of chapter 140.

SECTION 8. Section 26 of chapter 90B of the General Laws, as so appearing, is hereby amended by striking out, in line 66, the words "rifle or shotgun" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 9. Said section 26 of said chapter 90B, as so appearing, is hereby further amended by striking out, in lines 68 and 69, the words "such

firearm, rifle or shotgun is unloaded and in an enclosed case" and inserting in place thereof the following words:- such person possesses the required license to carry or firearm identification card issued under sections 129B or 131, of chapter 140 and carries such firearm in compliance with section 131C of chapter 140. Any violation of this subsection shall be penalized in accordance with section 131C of chapter 140.

SECTION 10. Section 35 of chapter 123 of the General Laws, as so appearing, is hereby amended by striking out, in line 122, the words "rifle or shotgun" and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 11. Section 36A of said chapter 123, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Notwithstanding this section, a court shall, pursuant to section 35 and section 36C, transmit information contained in court records to the department of criminal justice information services, which shall provide the information to: (i) licensing authorities as defined under section 121 of chapter 140; provided, however, that information shared under this clause shall be information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing; and (ii) the Federal Bureau of Investigation; provided, however, that the information shared under this clause shall be information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained to conduct background checks for firearms sales or licensing; provided further, that the court shall not transmit information solely because a person seeks voluntary treatment or is involuntarily hospitalized for assessment or evaluation. Information transmitted to the department of criminal justice information services pursuant to this section and said sections 35 and 36C shall not be considered public records pursuant to section 10 of chapter 66 and clause Twenty-sixth of section 7 of chapter 4. If the information required to be transmitted under clause (i) of this paragraph relates to a person who currently holds a license, card or permit issued under sections 122, 122B, 129B, 131 or 131F of chapter 140, such information shall be disseminated automatically to the relevant licensing authority through the Criminal Justice Information System for each commitment that is ordered as soon as the information is available.

SECTION 12. Section 36C of said chapter 123, as so appearing, is hereby amended by adding the following subsection:-

(e) A law enforcement agency that applies for or is involved in the restraint and application for hospitalization of a person pursuant to subsection (a) or (b) of section 12 shall transmit the incident log or report number and the person's name and identifying information, including the person's social security number and date of birth, to the department of criminal justice information services to provide licensing authorities as defined in section 121 of chapter 140 with information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing. Documents provided to the department of criminal justice information services pursuant to this subsection shall not include any information about or descriptions of the person's medical or psychiatric diagnosis, treatment plans, mental health medications, mental health care providers or other information of a clinical nature. No person shall be considered prohibited from being issued a license, card or permit under sections 122, 122B, 129B, 131 or 131F of said chapter 140 due solely to the person's restraint and application for hospitalization pursuant to said subsection (a) or (b) of said section 12 unless the licensing authority determines the person is disqualified for said license, card or permit or unsuitable for the same under section 121F of said chapter 140; provided, however, that when determining the person's suitability for a firearm license, card or permit, a licensing authority shall make inquiries to the law enforcement agency that submitted the record of the restraint and application for hospitalization and to the court that ordered or denied the commitment regarding the circumstances of such restraint and application for hospitalization and reasons for the order or denial. Any person denied a license, card or permit under this subsection without an order of commitment from a court under subsection (e) of section 12 may, after 5 years from the date of denial, file a petition for relief under subsection (b) with the court that denied the commitment requesting the court restore the person's ability to possess a firearm. The department of criminal justice information services shall not disclose any record or information received under this subsection for any reason other than to provide licensing authorities with information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing. A licensing authority shall not disclose any record or information received under this subsection for any reason or purpose other than that which is necessary to carry out the licensing authority's responsibilities to issue or revoke a license, card or permit under chapter 140. Nothing in this subsection shall

prevent an applicant or permit, card or license holder from appealing a denial, revocation or suspension of a permit, card or license pursuant to section 121F of said chapter 140.

SECTION 13. Chapter 131 of the General Laws is hereby amended by striking out section 62, as so appearing, and inserting in place thereof the following section:-

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

SECTION 14. Section 90 of said chapter 131, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 7, the figure ", 62".

SECTION 15. Section 121 of chapter 140, as so appearing, is hereby amended by inserting after the definition of "Ammunition" the following definition:-

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

SECTION 16. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of "Assault weapon" and inserting in place thereof the following 5 definitions:-

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

(a) a semiautomatic, centerfire rifle with the capacity to accept a detachable feeding device and includes at least 2 of the following features: (i) a folding or telescopic stock; (ii) a thumbhole stock or pistol grip; (iii) a forward grip or second handgrip or protruding grip that can be held by the non-trigger hand; (iv) a threaded barrel designed to accommodate a flash suppressor or muzzle break or similar feature; or (v) a shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, excluding a slide that encloses the barrel.

(b) a semiautomatic pistol with the capacity to accept a detachable feeding device and includes at least 2 of the following features: (i) the capacity to accept a feeding device that attaches to the pistol outside of the pistol grip; (ii) a second handgrip or a protruding grip that can be held by the non-trigger hand; (iii) a threaded barrel capable of accepting a flash suppressor, forward handgrip or silencer; or (iv) a shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, excluding a slide that encloses the barrel.

(c) a semiautomatic shotgun that includes at least 2 of the following features: (i) a folding or telescopic stock; (ii) a thumbhole stock or pistol grip; (iii) a protruding grip for the non-trigger hand; or (iv) the capacity to accept a detachable feeding device.

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

(e) Any of the following firearms, or copies or duplicates of these firearms, of any caliber, identified as: (i) Avtomat Kalashnikov, or AK, all models; (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta AR70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR and FNC; (vi) SWD M-10, M-11, M-11/9 and M-12; (vii) Steyr AUG; (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and (ix) revolving cylinder shotguns including, but not limited to, the Street Sweeper and Striker 12;

(f) a copy or duplicate of any firearm meeting the standards of or enumerated in clauses (d) and (e); provided, that for the purposes of this subsection, "copy or duplicate" shall mean a firearm: (A) that was manufactured or subsequently configured with an ability to accept a detachable magazine; and (B)(i) that has internal functional components that are substantially similar in construction and configuration to those of an enumerated firearm in clauses (d) and (e); or (ii) that has a receiver that is the same as or interchangeable with the receiver of an enumerated firearm in said clauses (d) and (e); provided further, that the firearm shall not be

considered a copy or duplicate of a firearm identified in clauses (d) and (e) if sold, owned and registered prior to July 20, 2016

(g) "Assault-style firearm" shall not include any: (i) firearm that is operated by manual bolt, pump, lever or slide action; (ii) firearm that has been rendered permanently inoperable or otherwise rendered permanently unable to be designated as a semiautomatic assault-style firearm; (iii) firearm that is an antique or relic, theatrical prop or other firearm that is not capable of firing a projectile and which is not intended for use as a functional firearm and cannot be readily modified through a combination of available parts into an assault-style firearm; (iv) any of the firearms, or replicas or duplicates of such firearms, specified in appendix A to 18 U.S.C. section 922 as appearing in such appendix on September 13, 1994, as such firearms were manufactured on October 1, 1993; or (v) semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable feeding device.

"Assemble", to fit together a firearm's component parts; provided, however, that "assemble" shall not include firearm reassembly, repair or the fitting of special barrels, stocks or trigger mechanisms to firearms.

"Automatic conversion", any modification made to a firearm, including through the use of an automatic part, that allows for the automatic discharge of more than 1 shot with 1 continuous activation of the trigger or that alters or increases the rate of fire to mimic automatic fire.

"Automatic part", any device, part or combination of parts capable of being attached to a firearm that allows for the automatic discharge of more than 1 shot with 1 continuous activation of the trigger or that increases the rate of fire of a firearm to mimic automatic fire.

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

SECTION 17. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting after the definition of "Court" the following 2 definitions:-

"Covert firearm", a firearm placed in a camouflaging firearm container, or a firearm that is not a stun gun, that is capable of discharging a bullet or shot and is constructed in a shape that does not resemble a firearm or is not immediately recognizable as a firearm, including, but not limited to, zip guns, concealed bolt guns, folding guns and any other firearm that resemble key-chains, pens, canes, wallets, flashlights, cigarette-lighters or cigarette-packages, flare guns, pellet guns and bb gun conversion kits.

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

SECTION 18. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of "Deceptive weapon device" and inserting in place thereof the following definition:-

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

SECTION 19. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of "Extreme risk protection order" and inserting in place thereof the following definition:-

"Extreme risk protection order", an order by the court that orders: (i) the immediate suspension and surrender of any license to carry firearms or firearm identification card that the respondent may hold; (ii) the respondent to surrender all firearms or ammunition that the respondent then controls, owns or possesses; and (iii) that the respondent shall be ineligible for any new license to carry or firearm identification card for the duration of the order; provided, however, that an extreme risk protection order shall be in effect for up to 1 year from the date of issuance and may be renewed upon petition.

SECTION 20. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definitions of "Firearm", "Gunsmith" and "Imitation firearm" and inserting in place thereof the following 5 definitions:-

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

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

"Frame", the part of a pistol or revolver that provides housing or a structure for the component designed to hold back the hammer, striker, bolt or similar primary energized component prior to initiation of the firing sequence, even if pins or other attachments are required to connect such

component to the housing or structure. Any such part that is identified with an importer or manufacturer serial number shall be presumed, absent an official determination by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice or other reliable evidence to the contrary, to be the frame of the firearm.

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

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

SECTION 21. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of "Large capacity feeding device" and inserting in place thereof the following definition:-

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

SECTION 22. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of "Large capacity weapon" and inserting in place thereof the following definition:-

"Large capacity firearm", any firearm that: (i) is semiautomatic with a fixed large capacity feeding device; (ii) is semiautomatic and capable of accepting, or readily modifiable to accept, any detachable large capacity feeding device when both are in the same person's possession or under their control in a vehicle; (iii) employs a rotating cylinder capable of accepting more than 10 rounds of ammunition or more than 5 shotgun shells; or (iv) is an assault-style firearm; provided, however, that "large capacity firearm" shall be a secondary designation and shall apply to a firearm in addition to its primary designation as a firearm, and shall not include, any firearm that: (a) operates by manual bolt, pump, lever or slide action; (b) is a

single-shot firearm; (c) has been modified so as to render it permanently inoperable or otherwise rendered permanently unable to be designated a large capacity firearm; or (d) is an antique or relic, theatrical prop or other firearm that is not capable of firing a projectile and which is not intended for use as a functional firearm and cannot be readily modified through a combination of available parts into an operable large capacity firearm.

SECTION 23. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting, in line 119, after the word "them" the following words:- ; provided, however, that should no such chief or officer exist the colonel of the state police or their designee shall act as the licensing authority.

SECTION 24. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of "Machine gun" and inserting in place thereof the following 4 definitions:-

"Machine gun", a firearm, loaded or unloaded, which may automatically discharge more than 1 shot by a continuous activation of the trigger, whether originally manufactured as such or modified by automatic conversion, including through the use of an automatic part or any firearm, loaded or unloaded, which has been modified by automatic conversion to alter or increase its rate of fire to mimic automatic fire; provided, however, that "machine gun" shall include a submachine gun.

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

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

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

SECTION 25. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definitions of "Petition" and "Petitioner" and inserting in place thereof the following 3 definitions:-

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

"Petitioner", as used in sections 131R to 131Y, inclusive, the individual that is filing the petition and is: (i) a family or household member of the respondent; (ii) the licensing authority of the municipality wherein the

respondent resides; (iii) a law enforcement agency or officer, as defined in section 1 of chapter 6E that has interacted with the respondent in an official capacity within the preceding 30 days; (iv) a health care provider that provided health care services to the respondent within the preceding 6 months; provided, that for the purposes of this clause "health care provider" shall include a: licensed physician, licensed physician assistant, registered nurse, licensed practical nurse, certified nurse practitioner, certified clinical nurse specialist, certified psychiatric clinical nurse specialist, licensed psychiatrist, licensed psychologist, licensed mental health counselor, licensed marriage and family therapist, licensed alcohol and drug counselor, licensed independent clinical social worker or licensed certified social worker; or (v) a principal or assistant principal of an elementary school or secondary school, or an administrator of a college or university where the respondent is enrolled.

"Privately made firearm", a firearm manufactured or assembled by an individual who is not a licensed manufacturer; provided, however, that "privately made firearm" shall not include firearms manufactured or assembled by persons licensed under section 122 in the course of their business activities.

SECTION 26. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of "Respondent" and inserting in place thereof the following 3 definitions:-

"Rapid-fire trigger activator", any: (i) manual, power-driven or electronic device that is designed to increase the rate of fire of a semiautomatic firearm when attached; or (ii) other device, part or combination of parts that are designed to substantially increase the rate of fire of a semiautomatic firearm above its standard rate of fire when not equipped with such device, part or combination of parts; provided, however, that this shall not include adjusting or using a device to adjust the trigger pull weight of a firearm or adjusting or replacing a magazine spring in a firearm.

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

or other reliable evidence to the contrary, to be the receiver of the firearm.

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

SECTION 27. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 136, 139, 140 and 147, the word "weapon", each time it appears, and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 28. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting after the definition of "Sawed-off shotgun" the following 2 definitions:-

"Secured in a locked container", secured in a container that is capable of being unlocked only by means of a key, combination or similar means, including in an unoccupied motor vehicle, a locked trunk not accessible from the passenger compartment, a locked console or locked glovebox and for purposes of a common carrier in the course of the regular and ordinary transport of firearms, locked access to any area containing firearms.

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

SECTION 29. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting after the definition of "Semiautomatic" the following definition:-

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

SECTION 30. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of "Trigger crank" and inserting in place thereof the following 5 definitions:-

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

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

"Unfinished frame or receiver", a forging, casting, printing, extrusion, machined body or similar item that: (i) has reached a stage in manufacture when it may readily be completed or assembled to function as a frame or receiver; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed or assembled; provided, however, that "unfinished frame or receiver" shall not include a component designed and intended for use in an antique firearm.

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

"Valid serial number", an identifying number that has been: (i) placed on a firearm by a federally licensee authorized to serialize firearms or pursuant to the laws of any state or 26 U.S.C. 5842 and the regulations promulgated thereunder; or (ii) a serial number issued by the director of the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice or the department of criminal justice information services.

SECTION 31. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out lines 175 to 192, inclusive.

SECTION 32. Said chapter 140 is hereby further amended by inserting after section 121A the following 5 sections:

Section 121B. (a)(1) The department of criminal justice information services shall develop and maintain a real time electronic firearms registration system. All firearms possessed, manufactured or assembled in the commonwealth shall be registered in accordance with this section. Firearm registration shall be completed via the real time electronic firearms registration system developed and maintained by the department of criminal justice information services and shall include, but not be limited to, the

following information: (i) the registrant's name, address and contact information; (ii) the registrant's license, card or permit type, license, card or permit number and expiration date or documentation of exemption pursuant to section 129C; (iii) the type of firearm; (iv) the date the firearm was acquired; (v) the name and address of the source from which the firearm was obtained, including the name and address of the prior registrant if applicable; (vi) whether the firearm is a privately made firearm; and (vii) a statement signed by the registrant under the pains and penalties of perjury that they are properly licensed, permitted or exempted under the laws of the commonwealth and are not otherwise prohibited from owning or possessing a firearm.

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

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

(c) Any loss or theft of a firearm shall be reported by the owner thereof via the electronic firearms registration system within 7 days to the licensing authority or the department of state police where it is registered and the department of criminal justice information services. Such report shall include, but shall not limited to, a complete description of the firearm, including the make, model, serial number and caliber and whether it is a large capacity firearm. The electronic firearms registration system shall provide automatic and immediate notification to the licensing authority in the town or city where the owner resides and where the license, card or permit was issued.

(d) This section shall not apply to firearms: (i) being delivered to law enforcement for the sole purpose of their destruction; (ii) possessed by common carriers and their duly authorized employees and agents while performing the regular and ordinary transport of firearms as merchandise for customers licensed to permit such transport; (iii) possessed by individuals lawfully traveling through the commonwealth in the care and custody of a nonresident owner; provided, however, that the firearms are stored in accordance with sections 131C and 131L; (iv) that are the property of the government of the United States; or (v) produced by federally licensed manufacturers not for sale in the commonwealth.

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

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

Section 121C. (a) All firearms shall have a serial number in accordance with the requirements of this section. To meet serialization requirements all firearms shall be conspicuously engraved, cast or otherwise permanently embedded with a unique serial number on the frame or receiver; provided, that the serial number shall be placed in a manner not susceptible of being readily obliterated, altered or removed and shall be engraved, cast or otherwise permanently embedded to a depth of not less than .003 inches and in a print size not less than 1/16 inch; provided further, that the serialization of firearms, frames and receivers made from non-metallic materials shall be accomplished by using a metal plate permanently embedded in the material of the frame or receiver.

(b) No person shall knowingly possess, manufacture or assemble, cause to be manufactured or assembled, purchase, offer for sale, sell or otherwise transfer or import an untraceable firearm in the commonwealth; provided,

however, that lawfully owned firearms imported or acquired by: (i) new residents moving into the commonwealth or acquired by heirs or devisees through distribution of an estate shall be serialized within 60 days of import or acquisition; and (ii) licensed firearms dealers, gunsmiths, distributors or manufacturers shall be serialized within 7 days of import or acquisition.

(c) No person shall manufacture or assemble a privately made firearm without: (i) obtaining a unique serial number from the department of criminal justice information services prior to manufacture or assembly; (ii) serializing the firearm with the obtained serial number during manufacture or assembly; and (iii) registering the firearm with the department of criminal justice information services in accordance with section 121B within 7 days of the firearm's manufacture or assembly.

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

(e) The department of criminal justice information services shall develop and maintain a serial number request system to electronically receive, record and process requests for a unique serial number in accordance with this section. The serial number request system shall be integrated with the electronic firearms registration system maintained by the department of criminal justice information services pursuant to section 121B and shall be able to register all firearms and report firearm transactions pursuant to said section 121B and ensure that all data on privately made firearms is available for data collection pursuant to section 121E and tracing purposes pursuant to 131Q.

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

(g) The requirements of this section shall not apply to firearms: (i) being delivered to law enforcement for the sole purpose of their destruction; (ii) possessed by common carriers and their duly authorized employees and agents while performing the regular and ordinary transport of firearms as merchandise for customers licensed to permit such transport; (iii) possessed by individuals lawfully traveling through the commonwealth in the care and custody of a nonresident owner provided that the firearms are stored in accordance with sections 131C and 131L; (iv) that are the property of the

government of the United States; (v) produced by federally licensed manufacturers not for sale in the commonwealth; or (vi) manufactured prior to October 22, 1968.

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

Section 121D. (a) No person shall use a 3-dimensional printer or computer numerical control milling machine to manufacture or assemble any firearm within the commonwealth without a valid license to carry firearms under section 131.

(b) No person shall sell, offer to sell or transfer a 3-dimensional printer or computer numerical control milling machine that has the primary or intended function of manufacturing or assembling firearms to any person in the commonwealth. A 3-dimensional printer or computer numerical milling machine has the primary or intended function of manufacturing or assembling firearms if the printer or machine is advertised, marketed or promoted to manufacture or assemble firearms, regardless of whether the printer or machine is otherwise described or classified as having other functions or as a general-purpose printer or machine.

(c) This section shall not apply to 3-dimensional printers or computer numerical control milling machines that are: (i) possessed by a forensic laboratory; (ii) being delivered to law enforcement for the sole purpose of their destruction; (iii) possessed by common carriers and their duly authorized employees and agents while performing the regular and ordinary transport of firearms as merchandise for customers licensed to permit such transport; (iv) possessed by or sold to a federally licensed manufacturer of firearms; or (v) the property of the government of the United States.

(d) A violation of this section shall be punishable by imprisonment for not more than 1 year or by a fine of not more than $5,000 per firearm per violation or both such fine and imprisonment.

Section 121E. (a) The department of criminal justice information services, in collaboration with the executive office of public safety and security and the executive office of technology services and security, shall collect, assemble and publish data and other information relating to the use of firearms in the commonwealth.

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

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

(1) The following aggregate data on the issuance of firearm licenses and cards pursuant to sections 129B, 131 and 131F:

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

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

(iii) the age, gender, race, ethnicity and municipality of applicants for a firearm identification card; and

(iv) the age, gender, race, ethnicity and municipality of individuals whose applications for a firearm identification card were denied.

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

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

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

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

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

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

(vi) whether the firearm user, at the time of the incident, would be considered a prohibited person as described in section 121F;

(vii) whether the firearm user was arrested as a result of the incident;

(viii) the disposition of any prosecution;

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

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

(xi) the origin, source and secondary market of the involved firearm, including whether it was purchased from a licensed dealer or private seller;

(xii) whether the involved firearm was lost, stolen or otherwise illegally obtained; and

(xiii) whether the involved firearm was untraceable or a privately made firearm, including the manner in which it was produced.

(d) The department of criminal justice information services, in coordination with the executive office of public safety and security and the executive office of technology services and security, shall promulgate rules and regulations to ensure prompt collection, exchange, and publication of the firearm licensing information under this section.

Section 121F. (a) A licensing authority shall, within 40 days from the date of receipt of a completed application for any firearm license, card or permit issued under sections 122, 122B, 122D, 129B, 131 or 131F, or renewal of the same, either approve the application and issue the permit, card or license or deny the application and notify the applicant of the reason for such denial in writing; provided, however, that no permit, card or license shall be issued unless the colonel of the state police has certified that the information available indicates that issuing the permit, card or license is not in violation of state or federal law.

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

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

(d) The colonel of the state police shall, within 30 days of receipt of the application and fingerprints, advise the licensing authority, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether there is reason to believe that the

applicant is disqualified from possessing the permit, card or license requested. If the information available to the colonel does not indicate that issuing the permit, card or license would be in violation of state or federal law, the colonel shall certify such fact to the licensing authority within said 30-day period. In searching for any disqualifying history of the applicant, the colonel shall: (i) utilize, or cause to be utilized, files maintained by the department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System; and (ii) inquire of the commissioner of the department of mental health relative to whether the applicant is disqualified from receiving a permit, card or license.

(e) The licensing authority shall make inquiries concerning the applicant to: (i) the commissioner of the department of criminal justice information services relative to any disqualifying condition, any prior permit, card or license information, any record of restraint and application for hospitalization pursuant to section 12 of chapter 123, and records of purchases, sales, rentals, leases and transfers of firearms or ammunition concerning the applicant; (ii) the commissioner of probation relative to any record contained within the department of probation or the statewide domestic violence record keeping system concerning the applicant; and (iii) the commissioner of mental health relative to whether the applicant is a suitable person to possess firearms; provided, however, that if the department of criminal justice information services provides a record of restraint and application for hospitalization pursuant to said section 12 of said chapter 123, the licensing authority shall make inquiries to the law enforcement agency that submitted the record regarding the circumstances of such restraint and application for hospitalization and shall consider such circumstances when determining the applicant's suitability for a license, card or permit; provided further, that the applicant may submit for the licensing authority's consideration, an affidavit of a licensed physician, advanced practice registered nurse or clinical psychologist attesting that such physician, advanced practice registered nurse or clinical psychologist is familiar with the applicant's mental illness and that in the physician's, advanced practice registered nurse's or clinical psychologist's opinion, the applicant is not impacted by a mental illness in a manner that should prevent the applicant from possessing a firearm. The director or commissioner to whom the licensing authority makes such inquiry shall provide prompt and full

cooperation for that purpose in any investigation of the applicant. Any information that an individual has a record of restraint and application for hospitalization pursuant to said section 12 of said chapter 123 shall be used solely to provide licensing authorities with information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing and shall not be disclosed to any other party for any other purpose.

(f) Whoever knowingly files an application for any permit, card or license pursuant to sections 122, 122B, 122D, 129B, 131 or 131F containing false information or knowingly issues any such permit, card or license in violation of this chapter shall be punished by a fine of not less than $500 nor more than $1,000 or by imprisonment for not less than 6 months nor more than 2 years in a house of correction, or by both such fine and imprisonment.

(g) The application for any license or firearm identification card pursuant to sections 122, 122B, 122D, 129B, 131 or 131F, shall be made in a standard form provided by the commissioner of the department of criminal justice information services, which shall require the applicant, or parent or guardian of a minor, to affirmatively state, under the pains and penalties of perjury, that the applicant is not disqualified on any of the grounds enumerated in this section from being issued such permit, card or license.

(h) A licensing authority shall record in books, forms or electronic files kept for that purpose on the premises, and on the electronic firearms registration system created by the department of criminal justice information services pursuant to section 121B when produced or received, all: (i) license, permit and card applications, receipts, fees, affidavits, license location transfers and training certificates; (ii) issued licenses, permits and cards, and denials, revocations and suspensions of the same; (iii) decisions of the firearm licensing review board; and (iv) firearm transfers, including deliveries, seizures, surrenders, loss or theft or disposals. The department shall ensure automatic notification to the licensing authority of the existence of any disqualifying condition discovered or occurring subsequent to the issuance of said permit, card or license and a notice of the expiration of the same not more than 5 days after the expiration including the expiration date of the permit, card or license and the name and address of the licensee.

(i) Any permit, card or license issued under sections 122D, 129B, 131 or 131F shall be issued in a standard form provided by the department of criminal justice information services in a size and shape equivalent to that

of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall be clearly marked with the permit, card or license name. It shall contain a permit, card or license number, name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee or permit or card holder and shall provide, in a legible font size and style, the telephone number for the 988 Suicide and Crisis Lifeline.

(j) A licensing authority shall deny any application for a permit, card or license issued under sections 122, 122B, 122D, 129B, 131 or 131F, or renewal thereof, to a person the licensing authority determines to be a prohibited person. A prohibited person shall be a person who:

(i) has ever, in a court of the commonwealth or in any other state or federal jurisdiction, been convicted or adjudicated as a youthful offender or delinquent child or both, as defined in section 52 of chapter 119, for the commission of: (A) a felony; (B) a misdemeanor punishable by imprisonment for more than 2 years; (C) a violent crime as defined in section 121; (D) a violation of any law regarding the use, possession, ownership or transfer of firearms or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law of the commonwealth regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C, or a violation of any substantially similar law of another state or federal jurisdiction; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33); provided, however, that, the commission of a crime described in clauses (B), (D) or (E) shall only disqualify an applicant for a firearm identification card under section 129B for 5 years after the applicant was convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs later;

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

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

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

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

(v) is not a citizen or national of the United States and does not maintain lawful permanent residency;

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

(vii) is a fugitive from justice.

(k) A licensing authority shall deny any application for a permit, card or license under sections 122, 122B, 122D, 129B, 131 or 131F, or renewal thereof, to a person the licensing authority determines to be unsuitable to hold a permit, card or license. A determination of unsuitability shall be based on reliable, articulable and credible information that the applicant has exhibited or engaged in behavior that suggests that, if issued a permit, card or license, the applicant may create a risk to public safety or a risk of danger to themselves or others. Upon denial of an application or renewal of a permit, card or license based on a determination of unsuitability, the

licensing authority shall notify the applicant in writing setting forth the specific reasons for the determination.

(l) In the case of an application or renewal of a firearm identification card under section 129B, a licensing authority shall not have the authority to deny an application on the grounds of unsuitability but may file a petition requesting that the district court having jurisdiction deny said application on unsuitability grounds. Such petition shall operate to stay the application and shall be founded upon a written statement of the reasons for supporting a finding of unsuitability. Upon filing, a copy of the written petition and statement shall be provided to the applicant by the licensing authority. The court shall within 90 days of receiving the filed petition hold a hearing to determine if the applicant for the firearm identification card is unsuitable and enter a judgment on suitability. A determination of unsuitability shall be based on a preponderance of the evidence that there is reliable, articulable and credible information that the applicant has exhibited or engaged in behavior that suggests that, if issued a firearm identification card, the applicant may create a risk to public safety or a risk of danger to self or others. If a court enters a judgment that an applicant is unsuitable, the court shall notify the applicant in writing setting forth the specific reasons for such determination. If a court has not entered a judgement that an applicant is unsuitable within 90 days of the petition, judgment that the applicant is suitable for a firearm identification card shall be automatically entered.

(m) An applicant aggrieved by a denial of a permit, card or license under sections 122, 122B, 122D, 129B, 131 or 131F may appeal the denial pursuant to subsection (v).

(n) All application fees for licenses, cards and permits issued under sections 122, 122D, 129B or 131 shall be payable to the issuing licensing authority and shall not be prorated or refunded in case of revocation or denial. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit all fees into the specified funds quarterly, not later than January 1, April 1, July 1 and October 1 of each year.

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

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

review board, established in 130B, for its operations; and provided further, that any funds not expended by said board for its operations shall revert back to the General Fund; and $25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund established in section 2LLL of chapter 29;

(ii) a license to carry firearms issued under section 131 for active and retired law enforcement officials or local, state or federal government entities acting on their behalf shall be $25 of which 50 per center shall be retained by the licensing authority and 50 per cent shall be deposited into the General Fund; and

(iii) a firearm identification card issued under section 129B for persons under 18 years of age or a self-defense spray permit issued under section 122D shall be $25 of which 50 per cent shall be retained by the licensing authority and 50 per cent shall be deposited into the General Fund.

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

(q) Any person with a license to sell under section 122 shall not be assessed any additional fee for a gunsmith's license.

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

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

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

(s) Notwithstanding any general or special law to the contrary, an expired license to carry firearms issued under section 131 or an expired firearm identification card issued under section 129B shall remain valid for all lawful purposes if:

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

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

(iii) the expiration period has not yet exceeded 90 days beyond the stated date of expiration, unless such license to carry or firearm identification card has been revoked or suspended.

(t) Any person in possession of a license to carry issued under sections 131 or firearm identification card issued under section 129B whose respective license or card is invalid for the sole reason that it has expired, not including licenses and cards that remain valid under subsection (s), and not otherwise disqualified from renewal upon application, shall be subject to a fine of not less than $100 nor more than $5,000 and section 10 of chapter 269 shall not apply; provided, however, that this exemption shall not apply if such license or card: (i) has been revoked or suspended unless such revocation or suspension was caused by failure to give notice of a change of address; (ii) is the subject of pending revocation or suspension unless such revocation or suspension was caused by failure to give notice of a change of address; or (iii) has had an application for renewal denied. Any law enforcement officer who discovers a person to be in possession of a firearm after such person's license or card has expired, meaning after 90 days beyond the stated expiration date on the license or card or has been revoked or suspended solely for failure to given notice of a change of address, shall confiscate such firearm and the expired or suspended license or card then in possession and such officer shall forward such license or card, as soon as practical, to the licensing authority that issued the expired license or card. The officer shall, at the time of confiscation, provide to the person whose firearm has been confiscated, a written inventory and receipt for all firearms confiscated and the officer shall exercise due care in the handling, holding and storage of these items. Any confiscated firearm shall be considered surrendered and subject to the conditions of section 129D;

provided, however, that the confiscated firearm shall be returned to the owner if proof of license or permit reinstatement is provided within 1 year of confiscation. This subsection shall not apply to temporary licenses to carry under section 131F.

(u)(1) A licensing authority shall revoke or suspend any license, card or permit pursuant to sections 122, 122B, 122D, 129B, 131 or 131F upon the occurrence of any event which makes the licensee, card or permit holder a prohibited person as defined subsection (j). A licensing authority may also revoke or suspend any license, card or permit issued pursuant to sections 122, 122B, 122D, 129B. 131 or 131F upon a subsequent determination of unsuitability as defined in subsection (k) or upon satisfactory proof that the license, card or permit holder has violated or permitted any violation of this chapter; provided, however, that in the case of a firearm identification card issued under section 129B, a licensing authority shall file a petition to the district court for suspension or revocation of said card, and said petition shall effect such suspension or revocation pending a judicial determination of sufficient evidence of unsuitability, which the court shall make within 15 days of the filing of the petition, after which the procedures and standards of subsection (l) shall apply. A licensing authority may revoke or suspend any license issued under sections 122 or 122B only after due notice to the licensee and reasonable opportunity to be heard.

(2) Any revocation or suspension of a card, permit or license issued under sections 122, 122B, 122D, 129B, 131 or 131F shall be in writing and shall state the reasons for revocation or suspension. No pendency of proceedings before the court shall operate to stay such revocation or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of the department of criminal justice information services and the commissioner of probation and shall be included in the criminal justice information system. A revoked or suspended permit, card or license may be reinstated only upon the termination of all disqualifying conditions. If a license to sell issued under section 122 or section 122B is revoked, the licensee shall be disqualified to receive a license for 1 year after the expiration of the term of the license so revoked.

(v)(1) Any applicant or licensee aggrieved by a denial, revocation or suspension of a license to sell under section 122 or section 122B may appeal such denial, revocation or suspension by: (i) applying to the colonel of state police for said license within 10 days of a denial, revocation or suspension, who may direct the licensing authority to grant said license if,

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

(2) Any applicant or license, card or permit holder aggrieved by a denial, revocation or suspension of a permit, card or license issued under sections 122, 122B, 122D, 129B, 131 or 131F may, unless a hearing has previously been held pursuant to section 131S or 131T, chapter 209A or chapter 258E, within either 90 days after receiving notice of the denial, revocation or suspension or within 90 days after the expiration of the time limit during which the licensing authority shall respond to the applicant, file a petition to obtain judicial review in the district court having jurisdiction in the city or town in which the applicant filed the application or in which the permit, card or license was issued.

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

SECTION 33. Said chapter 140 is hereby further amended by striking out section 122, as so appearing, and inserting in place thereof the following section:-

Section 122. (a) A licensing authority, in accordance with section 121F, may grant or renew a license to sell, rent, lease, purchase or otherwise transfer firearms and ammunition therefore, or to be in business as a gunsmith, to any person 21 years of age or older who is neither a prohibited person nor deemed unsuitable to be issued said license pursuant to said section 121F and who completes the online dealer training classes mandated under section 125.

(b) Every license shall specify the street and number of the building where the business is to be carried on, and the license shall not protect a licensee who carries on their business in any other place and shall not entitle the owner thereof to possess or carry any firearm or ammunition outside of the licensed business premises.

SECTION 34. Said chapter 140 is hereby further amended by striking out section 122B, as so appearing, and inserting in place thereof the following section:-

Section 122B. (a) Any lawfully incorporated sporting or shooting club shall, upon application to the licensing authority, and in accordance with section 121F, be eligible to be licensed to sell or supply ammunition for regulated shooting on their premises, such as for skeet, target or trap shooting; provided, however, that such club license shall, on behalf of said club, be issued to and exercised by an officer or duly authorized member of the club who possesses a license to carry or firearm identification card and who would not be disqualified to receive a license or card under said section 121F.

(b) A club or facility, incorporated under the laws of the commonwealth, with an on-site shooting range or gallery, may be licensed by the state police, after an investigation, for the possession, storage and use of large capacity firearms, ammunition therefor and large capacity feeding devices for use on the premises of the club; provided, however, that not less than 1 shareholder of the club shall be qualified and suitable to be issued a license to carry under section 121F; and provided further, that such large firearms may be used under the club license only by a member that possesses a valid license to carry firearms issued pursuant to section 131, or by such other person that the club permits while under the direct supervision of a certified firearms safety instructor or club member who possesses a valid license to carry firearms.

(c) The club shall:

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

(ii) not allow the removal of any large capacity firearm from the premises except as permitted by law in order to: (A) transfer to a licensed dealer; (B) transport to a licensed gunsmith for repair; (C) transport to target, trap or skeet shoot on the premises of another club incorporated under the laws of the commonwealth; (D) transport to attend an exhibition or educational project or event that is sponsored by, conducted under the supervision of or approved by a public law enforcement agency or a national or state recognized entity that promotes proficiency in or education about semiautomatic firearms; (E) hunt pursuant to chapter 131; or (F) surrender the firearm pursuant to section 131O;

(iii) secure in a locked container and unload during any lawful transport under section 131C all large capacity firearms or feeding devices kept on the premises when not in use;

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

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

(d) The secretary of public safety and security may establish such rules and regulations as the secretary may deem necessary to carry out the provisions of this section.

(e) Whoever not being licensed, as provided in section 122 or this section, sells ammunition within the commonwealth shall be punished by a fine of not less than $500 nor more than $1,000 dollars or by imprisonment for not less than 6 months nor more than 2 years.

SECTION 35. Said chapter 140 is hereby further amended by striking out section 122C, as so appearing, and inserting in place thereof the following section:-

Section 122C. (a) Whoever, not being licensed as provided in section 122, sells self-defense spray shall be punished by a fine of not more than $1,000 or by imprisonment in a house of correction for not more than 2 years.

(b) Whoever licensed under section 122 sells self-defense spray to a person younger than 18 years of age, if the person younger than 18 years of age does not have a self-defense spray permit, shall be punished by a fine of not more than $300.

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

SECTION 36. Said chapter 140 is hereby further amended by striking out section 122D, as so appearing, and inserting in place thereof the following section:-

Section 122D. (a) No person under 18 years of age may purchase or possess self-defense spray without a self-defense spray permit issued by a licensing authority in accordance with section 121F. A self-defense spray permit shall be valid to purchase and possess self-defense spray, including all chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate.

(b) A local licensing authority may issue to a person at least 15 years of age but less than 18 years a self-defense spray permit if the person is not a prohibited person or unsuitable under section 121F. A self-defense

spray permit shall be issued for the sole purpose of purchasing and possessing self-defense spray and shall clearly state that it is valid for such limited purpose only. This permit may be issued to a person at least 12 years of age but less than 15 years if the person is not a prohibited person or unsuitable under section 121F and if the applicant submits with their application a certificate from the applicant's parent or guardian granting permission to apply for this permit.

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

(d) A permit holder shall report any change of address via the electronic firearm registration system administered by the commissioner of the department of criminal justice information services. Such notification shall be made on the portal within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of such permit.

SECTION 37. Said chapter 140 is hereby further amended by striking out section 123, as so appearing, and inserting in place thereof the following section:-

Section 123. (a) As used in this section "licensee" shall mean a person with a license to sell under section 122.

(b) Licensees shall maintain a business premise that is not a residential dwelling wherein all transactions shall be conducted and wherein all records shall be kept.

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

(d) Licensees shall conspicuously post and distribute at each purchase counter a notice providing information on: (i) safe transportation and storage of firearms developed and provided by the department of criminal justice information services, which shall develop and maintain on its website for download a sign providing such information; and (ii) suicide prevention information pursuant to subsection (e).

(e) The executive office of public safety and security, in collaboration with the department of public health, shall develop a notice providing

information on suicide prevention, which shall be posted on the executive office's website and posted and distributed in accordance with subsection (d). Such notice shall include, but not be limited to: (i) information on signs and symptoms of depression; (ii) state and federal suicide prevention hotlines; and (iii) resources for individuals at risk of suicide.

(f) Prior to any transfer, a licensee shall verify the status of any license, card, permit or exemption documentation including a verification that the person presenting the license, card, permit or documentation is the lawful holder thereof. No transfer of any firearm or ammunition shall be made to any person not in possession of the required license, card, permit or exemption documentation at the time of the transaction.

(g) Upon being presented with an expired, suspended or revoked license, card or permit a licensee shall: (i) immediately report the attempted transaction to the department of criminal justice information services using its electronic firearms registration system , including, but not limited to, all information recorded pursuant to subsection (h); (ii) take possession of such card, permit or license and immediately forward the same to the licensing authority for the city or town where the licensee conducts business; (iii) issue the license, card or permit holder a receipt, in a form provided by the commissioner of the department of criminal justice information services, which shall state that the holder's license, card or permit is expired, suspended or revoked, was taken by the licensee, and forwarded to the licensing authority, and which shall be valid for 90 days for the purpose of providing immunity from prosecution under section 10 of chapter 269; and (iv) notify the license, card or permit holder of their duty to surrender their firearms forthwith to their local licensing authority under section 129D. The licensee shall be immune from civil and criminal liability for good faith compliance with the provisions herein.

(h) The licensee shall make and keep an on-site or electronic record of all firearm transactions and said record shall be open at all times to the inspection of the police. Before transfer or delivery of any sold, rented, leased or otherwise transferred firearm or ammunition, a legible entry in the on-site or electronic record shall be made and kept specifying: (i) the complete description of the firearm and ammunition transferred, including the make, serial number, type of firearm and designation as a large capacity firearm, if applicable; (ii) whether the firearm or ammunition has been sold, rented or leased and the date of such transaction; (iii) the license, permit or card identification number of the person acquiring the firearm, or

ammunition along with their sex, residence address and occupation; and (iv) the purchaser, renter or lessee's name as personally written by said person in the sales record book and as confirmed by valid state or federal identification. This subsection shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms unless said gunsmith has manufactured a firearm for the purchaser but said gunsmith shall keep records of their work together with the names and addresses of their customers.

(i) Licensees shall, immediately upon notice of any loss or theft of a firearm or ammunition from the licensee or licensee's business premises immediately report such loss or theft to the department of criminal justice information services via the electronic firearms registration system created pursuant to section 121B.

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

(k) No licensee shall fill an order for any firearm or ammunition received by mail, facsimile, telephone, internet or other telecommunication unless such transaction includes the in-person presentation of the required license, card, permit or documentation as required herein prior to any sale, delivery or any form of transfer or possession. Transactions between federally licensed dealers shall be exempt from this subsection.

(l) Licensees shall ensure that all firearms and ammunition shall be unloaded when delivered and that delivery shall be only made to a person with the proper license card or permit or exemption to possess the firearms or ammunition included in the delivery.

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

(n) The local licensing authority shall enter the business premises of any licensee at least once per calendar year during regular business hours and shall make inquiries and inspect the licensee's records, inventory, policies and procedures for the purpose of enforcing this section. Licensees found to be in violation of this section shall be subject to the suspension or revocation of their license to sell. The department of state police may assume licensing responsibilities of a local licensing authority for the

calendar year if a written request is provided at least 6 months in advance of any required inspection. Upon the failure of a local licensing authority to inspect licensees in accordance with this subsection the department of state police may become the inspecting authority. The executive office of public safety and security shall promulgate rules and regulations to effectuate the purposes of this subsection,. which shall include, but not be limited to: (i) inspection timing, procedure, standards and reporting requirements; (ii) procedures and penalties for licensee violations and re-inspections; and (iii) processes and standards for a local licensing authority requesting or removing inspection responsibilities to the department of state police or failing to inspect as mandated by this subsection. Nothing herein shall prohibit any other law enforcement agency from conducting such inspections pursuant to a valid search warrant issued by a court of competent jurisdiction.

(o) No licensee under section 122 shall sell, rent, lease or otherwise transfer any firearm described in this subsection except to a business entity that is primarily a firearm wholesaler, and such transfer shall, by its terms, prohibit the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth. This subsection shall apply to:

(i) a firearm that has a frame, barrel, cylinder, slide or breechblock that is composed of: (A) any metal having a melting point of less than 900 degrees Fahrenheit; (B) any metal having an ultimate tensile strength of less than 55,000 pounds per square inch; or (C) any powdered metal having a density of less than 7.5 grams per cubic centimeter. This clause shall not apply to any make and model of a firearm for which a sample of 3 firearms in new condition all pass the following test: each of the 3 samples shall fire 600 rounds, stopping every 100 rounds to tighten any loose screws and to clean the gun if required by the cleaning schedule in the user manual, and as needed to refill the empty magazine or cylinder to capacity before continuing. For any firearm that is loaded in a manner other than via a detachable magazine, the tester shall also pause every 50 rounds for 10 minutes. The ammunition used shall be the type recommended by the firearm manufacturer in its user manual or, if none is recommended, any standard of ammunition of the correct caliber in new condition. A firearm shall pass this test if it fires the first 20 rounds without a malfunction, fires the full 600 rounds with not more than 6 malfunctions and completes the test without any crack or breakage of an operating part of the firearm that does not increase the danger of injury to the user. For purposes of this clause

"malfunction" shall mean any failure to feed, chamber, fire, extract or eject a round or any failure to accept or eject a magazine or any other failure which prevents the firearm, without manual intervention beyond that needed for routine firing and periodic reloading, from firing the chambered round or moving a new round into position so that the firearm is capable of firing the new round properly. "Malfunction" shall not include a misfire caused by a faulty cartridge the primer of which fails to detonate when properly struck by the firearm's firing mechanism;

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

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

(iv) a firearm that has a barrel less than 3 inches in length, unless the licensee discloses in writing, prior to the transaction, to the prospective buyer, lessee or transferee the limitations of the accuracy of the particular make and model of the subject firearm, by disclosing the make and model's average group diameter test result at 7 yards, average group diameter test result at 14 yards and average group diameter test result at 21 yards. For purpose of this clause, "average group diameter test result" shall mean the arithmetic mean of three separate trials, each performed as follows on a different sample firearm in new condition of the make and model at

issue. Each firearm shall fire 5 rounds at a target from a set distance and the largest spread in inches between the centers of any of the holes made in the test target shall be measured and recorded. This procedure shall be repeated 2 more times on the firearm. The arithmetic mean of each of the 3 recorded results shall be deemed the result of the trial for that particular sample firearm. The ammunition used shall be the type recommended by the firearm manufacturer in its user manual, if none is recommended, any standard ammunition of the correct caliber in new condition.

(p) Subsection (o) shall not apply to: (i) a firearm lawfully owned or possessed under a license issued under this chapter on or before October 21, 1998; (ii) a stun gun; or (iii) a firearm designated by the secretary of public safety, with the advice of the firearm control advisory board, established pursuant to section 131½, as a firearm solely designed and sold for formal target shooting competition or for Olympic shooting competition and listed on the rosters pursuant to section 131¾.

SECTION 38. Said chapter 140 is hereby further amended by striking out section 125, as so appearing, and inserting in place thereof the following section:-

Section 125. (a) Licensing authorities shall participate in training seminars as prescribed by the executive office of public safety and security, which shall include, but shall not be limited to, instruction on: (i) current laws, regulations and rules relating to this chapter; (ii) licensing responsibilities; (iii) record keeping obligations; (iv) firearm surrender, registration and tracing; (v) responsibilities and requirements regarding the annual inspection of establishments licensed under section 122; and (v) electronic database use.

(b) Any person making an application for the issuance of a license to sell or renewal thereof under section 122 shall, in addition to the requirements set forth in this chapter, complete a dealer training program developed and offered online by the executive office of public safety and security. No application for the issuance of a license to sell shall be accepted or processed by the licensing authority without a certification of program completion.

(c) The curriculum for the training program pursuant to subsection (b) shall include: (i) uniform standards of security for business premises; (ii) employee background check and training requirements; and (iii) information on requirements and conditions contained in chapter 140, and other laws the executive office, in its discretion, deems relevant.

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

SECTION 39. Section 126 of said chapter 140, as so appearing, is hereby amended by striking out, in lines 3 and 4 and lines 6 and 7, each time they appear, the words ", rifles, shotguns or machine guns".

SECTION 40. Section 128 of said chapter 140, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:

Whoever, licensed under section 122 or 122B, sells or furnishes a firearm or ammunition to any person without a firearm license card or permit shall have their license revoked and shall not be entitled to apply for such license for 10 years from the date of such revocation and shall be punished by a fine of not less than $1,000 nor more than $10,000, by imprisonment in a state prison for not more than 10 years or house of correction for not more than 2½ years or by both such fine and imprisonment; provided, however, that a valid permit to purchase issued under section 131A may permit certain firearm transfers to persons over 18 years of age. Any person who, without being licensed under section 122 or exempt as provided under section 129C, sells, rents, leases or otherwise transfers a firearm, or is engaged in business as a gunsmith, shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than 1 year nor more than 10 years, or by both such fine and imprisonment. Evidence that a person sold or attempted to sell a machine gun shall constitute prima facie evidence that such person is engaged in the business of selling machine guns.

SECTION 41. Said chapter 140 is hereby further amended by striking out section 128A, as so appearing, and inserting in place thereof the following section:-

Section 128A. (a) A person with a license to carry under section 131 may sell or transfer firearms and ammunition and a person with a firearm identification card under section 129B may sell or transfer rifles and shotguns that are not large capacity or semiautomatic and ammunition to: (i) a person with a license to sell issued under section 122; (ii) a federally licensed firearms dealer; or (iii) a federal, state or local historical society, museum or institutional collection open to the public, without an annual limit on transfers.

(b) A person with a license to carry under section 131 may sell or transfer firearms and ammunition therefor and a person with a firearm identification card under section 129B may sell or transfer rifles and

shotguns that are not large capacity or semi-automatic and ammunition therefor to the following; provided, however, that no more than 4 firearm transfers shall occur per calendar year:

(i) a person with a license to carry under section 131;

(ii) an exempted person if permitted under section 129C; and

(iii) a person with a firearm identification card under section 129B; provided, however, that for transfers and purchases of firearms that are not rifles and shotguns that are not large capacity or semiautomatic, the transferee shall also have a valid permit to purchase under section 131A.

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

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

(ii) sell or transfer no more than 4 firearms and ammunition therefor per calendar year to: (A) a person with a license to carry under section 131; (B) an exempted person under section 129C; or (C) a person with a firearm identification card under section 129B; provided, however, that for transfers and purchases of firearms that are not rifles and shotguns that are not large capacity or semi-automatic, the transferee shall have a valid permit to purchase under section 131A.

(d) A person with a license to carry under section 131 may purchase or transfer firearms and ammunition therefor from a dealer licensed under section 122 or a person permitted to sell under this section.

(e) A person with a firearm identification card under section 129B who is over 18 years of age may purchase or transfer rifles and shotguns that are not large capacity or semi-automatic and ammunition therefor from a dealer licensed under section 122 or a person permitted to sell under this section.

(f) A bona fide collector of firearms may purchase a firearm that was not previously owned or registered in the commonwealth from a dealer licensed under section 122 if it is a curio or relic firearm as defined in section 121.

(g) All purchases, sales or transfers of a firearm permitted under this section shall, prior to or at the point of sale, be conducted through the electronic firearms registration system pursuant to section 121B. The department of criminal justice information services shall require each person

selling or transferring a firearm pursuant to this section to electronically provide, through the electronic firearms registration system, such information as is determined to be necessary to verify the identification of the seller and purchaser and ensure that the sale or transfer complies with this section. Upon submission of the required information, the electronic firearms registration system shall automatically review such information and display a message indicating whether the seller may proceed with the sale or transfer and shall provide any further instructions for the seller as determined to be necessary by the department of criminal justice information services. The electronic firearms registration system shall keep a record of any sale or transfer conducted pursuant to this section and shall provide the seller and purchaser with verification of such sale or transfer.

SECTION 42. Said chapter 140 is hereby further amended by striking out section 128B, as so appearing, and inserting in place thereof the following section:-

Section 128B. Any resident of the commonwealth who purchases or obtains a firearm from any source within or without the commonwealth, other than from a licensee under section one 122 or a person authorized to sell firearms under section 128A, and any nonresident of the commonwealth who purchases or obtains a firearm from any source within or without the commonwealth, other than such a licensee or person, and receives such firearm within the commonwealth, shall register such firearm and report such information required under sections 121B and 121C. Whoever violates any provision of this section shall for the first offense be punished by a fine of not less than $500 nor more than $1,000 and for any subsequent offense by imprisonment in the state prison for not more than 10 years.

SECTION 43. Section 129 of said chapter 140, as so appearing, is hereby amended by striking out, in lines 1 to 3, inclusive, the words ", renting or hiring a firearm, rifle, shotgun or machine gun, or in making application for any form of license or permit" and inserting in place thereof the following words:- "or renting a firearm, or in making application for any form of license, card or permit".

SECTION 44. Said chapter 140 is hereby further amended by striking out section 129B, as so appearing, and inserting in place thereof the following section:-

Section 129B. A firearm identification card shall be issued and possessed subject to the following conditions and restrictions:

(a) Any lawful resident 18 years of age or older residing within the jurisdiction of the licensing authority or residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority an application for a firearm identification card, or renewal of the same, which the licensing authority shall issue pursuant to section 121F if it appears that the applicant is neither a prohibited person nor determined to be unsuitable to be issued a card as set forth in said section; provided, however, that a person aged 15 years or older, but less than 18 years of age, may submit an application for a firearm identification card and shall be issued the same only if the applicant meets the requirements of said section 121F and submits with the application a certificate of a parent or guardian granting the applicant permission to apply for the card. A person 14 years of age may submit an application for a firearm identification card but the applicant shall not be issued the card until the applicant reaches 15 years of age and at that time meets the standards and requirements under this subsection.

(b) No card shall be issued under this section unless the applicant submits with their application a basic firearms safety certificate or other certificate meeting the requirements of section 131P.

(c) A firearm identification card shall entitle a holder thereof to purchase, transfer, possess and carry rifles and shotguns that are not large capacity or semi-automatic, and the ammunition therefore. A firearm identification card shall not entitle a holder thereof to transfer, possess or carry any other firearm including any large capacity firearm, any large capacity or semiautomatic rifle or any large capacity or semiautomatic shotgun except under the direct supervision of a holder of a license to carry firearms at an incorporated shooting club or a licensed shooting range. Except as otherwise provided herein, a firearm identification card shall not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or transportation of any large capacity firearm.

(d) A firearm identification card shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issuance and shall expire on the anniversary of the card holder's date of birth occurring not less than 5 years nor more than 6 years from the date of issue. A card issued on February 29 shall expire on March 1.

(e) The holder of a firearm identification card shall report any change of address via the electronic firearm registration system administered by the commissioner of the department of criminal justice services. Such

notification shall be made on the portal within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of such card.

(f) The secretary of the executive office of public safety, or a designee, may promulgate regulations to carry out the purposes of this section.

SECTION 45. Said chapter 140 is hereby further amended by striking out section 129C, as so appearing, and inserting in place thereof the following section:-

Section 129C. (a) Possession of a firearm or ammunition for a particular purpose and limited time without being duly issued a license, permit or card under sections 129B, 131, 131A or 131F shall be permitted by: (i) a person voluntarily surrendering the firearm or ammunition to the colonel of the state police pursuant to section 131O, (ii) a resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any new resident moving to the commonwealth, only with respect to any firearm or ammunition then in their possession prior to moving or return and only for 60 days after such return or entry into the commonwealth; or (iii) an heir or devisee upon the death of the legal owner of the firearm or the ammunition for not more than 60 days after said firearm or ammunition is transferred into their possession and who shall also be permitted to sell or otherwise transfer said firearm or ammunition to a duly licensed person within this time period pursuant to section 128A.

(b) Possession of a firearm or ammunition while under direct supervision of an individual holding a license or card under section 129B, 131 or 131F and only for a particular purpose and limited time without being duly licensed or permitted under said sections 129B, 131 or 131F is permitted by: (i) a retail customer for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations; provided, that the firearms to be so used shall be firmly chained or affixed to the counter and shall be under the direct supervision of a proprietor or employee thereof who holds the necessary license or card; (ii) a professional photographer or writer for examination purposes while in the pursuit of their profession or during the course of any television, movie, stage or other similar theatrical production; provided, that they are at all times under the immediate supervision of a holder of a license to carry or, in the case of rifles and shotguns that are not large capacity or semi-automatic, a firearm identification card; or (iii) a person in the presence of a holder of the

necessary license or card for the purpose of examination, trial or instruction.

(c) Common carriers and their duly authorized employees and agents may possess firearms and ammunition therefor without holding the necessary license or card under sections 129B, 131 or 131F while performing the regular and ordinary transport of firearms and ammunition as merchandise for customers duly licensed to permit such transport and so long as they abide by all storage and transportation requirements set forth in sections 131C and 131L.

(d) Notwithstanding section 131B, banks or institutional lenders and their duly authorized employees and agents, may possess and transfer non large capacity firearms and ammunition therefor as collateral for a secured commercial transaction or because of a default thereof without holding the necessary license or card under said sections 129B, 131 or 131F.

(e) Other organizations and their duly authorized employees and agents, may purchase, transfer and possess as so indicated in this subsection non large capacity firearms and ammunition therefor for a particular purpose and limited time without holding the necessary license or card under sections 129D, 131 or 131F if they are: (i) a federally licensed firearms manufacturer or wholesale dealer or their employees or agents who may possess firearms and ammunition therefor when their possession is necessary for manufacture, display, storage, transport, installation, inspection or testing; (ii) federal, state and local historical societies, museums and institutional collections open to the public who may possess firearms and ammunition therefor; provided, that such firearms shall be unloaded and properly housed and secured from unauthorized handling; provided further that the requirements for sales in section 128A are met; or (iii) a veteran's organization chartered by the congress of the United States, chartered by the commonwealth or recognized as a nonprofit tax-exempt organization by the internal revenue service and its members who may possess firearms and ammunition; provided, however, that members may only possess unloaded large capacity rifles or unloaded large capacity shotguns or large capacity rifles or large capacity shotguns that are loaded with blank cartridges and which contain no projectile within the blank or the bore or chamber; and provided further, that all possession by members of veteran's organizations shall be limited to official parade duty or ceremonial occasions.

(f) A person in the military or other service of any state or of the United States, and police officers and other peace officers of any

jurisdiction, who may purchase, sell or otherwise transfer and possess non-large capacity firearms and ammunition therefor without holding a license or card under sections 129D, 131 or 131F while in the performance of their official duty or when duly authorized to possess them by their employing agency; provided, that the requirements for sales in section 128A are met. Upon purchase, a person exempted under this subsection shall submit to the seller full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, as applicable.

(g) A person may furnish a minor or person under 21 years of age with a firearm and ammunition for hunting, instruction, recreation and participation in shooting sports provided that the person furnishing the firearm and ammunition holds the appropriate license, permit or card, or is a duly commissioned officer, noncommissioned officer or enlisted member of the United States army, navy, marine corps, air force or coast guard, or the national guard or military service of the commonwealth or reserve components thereof, while in performance of their duty

(h) No license, permit or card under this chapter shall be required for a legal resident of the commonwealth over the age of 18 to carry or possess: (i) a firearm known as a detonator and commonly used on vehicles as a signaling and marking device and only when carried or possessed for such purposes; or (ii) any device used exclusively for signaling or distress use and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(i) A nonresident who is at least 18 years of age may possess rifles and shotguns that are not large capacity or semi-automatic and ammunition therefor if the nonresident has a permit, card or license issued from their state of residence which has substantially similar requirements to those of the commonwealth for a firearm identification card as determined by the colonel of the state police pursuant to subsection (l)

(j) A nonresident who is at least 18 years of age may possess rifles and shotguns that are not large capacity or semi-automatic and ammunition therefor: (i) to hunt during hunting season with a nonresident hunting license or a hunting license or permit lawfully issued from their state of residence, which has substantially similar requirements to those in section 11 of chapter 131, as determined by the colonel of the state police pursuant to subsection (l); (ii) while on a firing or shooting range; (iii) while

traveling in or through the commonwealth; provided, that the rifles and shotguns that are not large capacity or semi-automatic shall be unloaded and in a locked container pursuant to sections 131C and 131L; or (iv) while at a firearm showing or display organized by a regularly existing gun collectors' club or association.

(k) A nonresident may carry a firearm on their person while in a vehicle lawfully traveling through the commonwealth; provided, however, that the firearm shall remain in the vehicle and if the firearm is outside its owner's direct control it shall be stored in the vehicle in accordance with section 131C.

(l) The colonel of the state police shall determine those states with substantially similar requirements to those of the commonwealth for a firearm identification card under section 129C and a hunting license under section 11 of chapter 131 and shall annually publish a list of those states.

(m) Nothing in this section shall supersede the firearm registration and serialization requirements pursuant to sections 121B and 121C.

SECTION 46. Said chapter 140 is hereby further amended by striking out section 129D, as so appearing, and inserting in place thereof the following section:-

Section 129D. (a) Upon revocation, suspension or denial of an application for any license or card issued pursuant to sections 129B, 131 or 131F the person whose application was so revoked, suspended or denied shall, without delay, deliver or surrender to the licensing authority where the person resides all firearms or ammunition which are registered to the person or that the person then possesses and shall report such delivery or surrender to the electronic firearms registration system pursuant to section 121B. The person or the person's legal representative shall have the right, at any time up to 1 year after the delivery or surrender, to transfer the firearms and ammunition, notwithstanding the limits on private firearm transfers in section 128A, to a licensed dealer or to a person legally permitted to purchase or take possession of the firearms and ammunition and, upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within 10 days deliver the firearms and ammunition to the transferee or purchaser and the licensing authority shall observe due care in the receipt and holding of any such firearm or ammunition; provided, however, that the purchaser or transferee shall affirm in writing that the purchaser or transferee shall not transfer the firearms or ammunition to the former owner; provided, however, that such transfer

shall not be permitted if the firearm may be evidence in any pending criminal investigation. The licensing authority shall at the time of delivery or surrender inform the person in writing of their right to request a transfer in accordance with this paragraph.

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

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

(d) Any such firearm or ammunition that is stored and maintained by a licensed dealer may be so auctioned pursuant to subsection (c) at the direction of: (i) the licensing authority at the expiration of 1 year following initial surrender or delivery to such licensing authority; or (ii) the dealer then in possession, if the storage charges for such firearm or ammunition have been in arrears for 90 days; provided, however, that in either case, title shall pass to the licensed dealer for the purpose of transferring ownership to the auctioneer; provided further, that in either case, after deduction and payment for storage charges and all necessary costs associated with such surrender and transfer, all surplus proceeds, if any, shall be immediately returned to the owner of such firearm or ammunition; provided, however, that any firearm or ammunition identified pursuant to section 131Q as having been used to carry out a criminal act and any firearm

or ammunition prohibited by law from being owned or possessed within the commonwealth shall not be sold at public auction pursuant to this section and shall instead be destroyed by the colonel of the state police.

(e) Unless otherwise required in this chapter, if the licensing authority cannot reasonably ascertain a lawful owner within 180 days of acquisition by the licensing authority, the licensing authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms or ammunition to properly licensed distributors or firearms dealers. The proceeds of the sale or transfer shall be remitted or credited to the municipality in which the licensing authority presides to purchase firearms, equipment or supplies or for violence reduction or suicide prevention; provided, however, that no firearm or ammunition identified pursuant to section 131Q as having been used to carry out a criminal act shall be considered surplus, donated, abandoned or junk for the purposes of this section.

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

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

SECTION 47. Section 130 of said chapter 140 is hereby repealed.

SECTION 48. Section 130½ of said chapter 140, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 2 and 5, the

word "weapon" and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 49. Said chapter 140 is hereby further amended by striking out section 131, as so appearing, and inserting in place thereof the following section:-

Section 131. The issuance and possession of a license to carry firearms shall be subject to the following conditions and restrictions:

(a) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow, possess and carry firearms, including large capacity firearms and ammunition therefor. The license shall not entitle a holder thereof to transfer, possess or carry large capacity feeding devices or assault-style firearms unless such transfer, possession or carry is permitted under section 131M.

(b) No license shall be issued under this section unless the applicant submits with their application a basic firearms safety certificate meeting the requirements of section 131P.

(c) A license to carry firearms shall be valid to own, possess, purchase and transfer rifles and shotguns that are not large capacity or semi-automatic, consistent with the entitlements conferred by a firearm identification card issued under section 129B.

(d) A lawful resident 21 years of age or older residing within the jurisdiction of the licensing authority or any law enforcement officer employed by the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority an application for a license to carry firearms, or renewal of the same, which the licensing authority shall issue as provided under section 121F only if it appears that the applicant is neither a prohibited person nor determined to be unsuitable to be issued a license as set forth in said section 121F, provided that upon an initial application for a license to carry firearms, the licensing authority shall conduct a personal interview with the applicant.

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

(f) No person shall be issued a license to carry a machine gun in the commonwealth, except that a licensing authority may issue a machine gun

license to: (i) a firearm instructor certified by the municipal police training committee for the sole purpose of firearm instruction to police personnel; or (ii) a bona fide collector of firearms as defined in section 121 upon application or upon application for renewal of such license. Clauses (i) and (ii) of this paragraph shall not apply to automatic devices or automatic parts.

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

(h) The secretary of the executive office of public safety and security or their designee may promulgate regulations to carry out the purposes of this section.

SECTION 50. Said chapter 140 is hereby further amended by striking out section 131½, as so appearing, and inserting in place thereof the following section:-

Section 131½. (a) There shall be a firearm control advisory board, within the executive office of public safety and security, hereinafter referred to as the board, comprised of 7 members: the director of the firearms record bureau within the department of criminal justice information services or designee, who shall serve as chair; the attorney general or designee; 1 member appointed by the speaker of the house of representatives who shall not be a member of the general court and shall have demonstrated knowledge or expertise in firearm safety, law or technology; 1 member appointed by the president of the senate who shall not be a member of the general court and shall have demonstrated knowledge or expertise in firearm safety, law or technology; 2 members appointed by the governor, 1 of whom shall be a member of the Gun Owners Action League, Inc. and 1 of whom shall be a police chief selected from a list of four chiefs provided by the Massachusetts Chiefs of Police Association Incorporated; and the armorer of the department of state police or designee.

(b) The board shall advise the executive office of public safety and security on matters relating to the firearm control provisions of this chapter, including, but not limited to, consulting with the executive office of public safety and security on the development of the firearm rosters outlined in section 131¾. The board shall also advise the executive office of

public safety and security on training needs and materials for licensing authorities and licensees. The board members shall serve without compensation; provided, however, that members shall be reimbursed for any usual and customary expenses incurred in the performance of their duties. The executive office of public safety and security, in consultation with the board, shall adopt operating rules and procedures for its organization and activities.

SECTION 51. Said chapter 140 is hereby further amended by striking out section 131¾, as so appearing, and inserting in place thereof the following section:-

Section 131¾. (a) The secretary of public safety and security shall, with the advice of the firearm control advisory board established in section 131½ compile and publish a roster of assault-style firearms banned under section 131M and a roster of firearms approved for sale and use in the commonwealth using the parameters set forth in section 123. The secretary shall, not less than 3 times annually, review, update, and publish the rosters online, and send a copy to all persons licensed in the commonwealth pursuant to section 122. Licensing authorities shall provide information on these rosters to all permit and card holders and licensees upon initial issuance and every renewal.

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

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

SECTION 52. Section 131A of said chapter 140, as so appearing, is hereby amended by striking out, in line 10, the words "rifle or shotgun,".

SECTION 53. Section 131B of said chapter 140, as so appearing, is hereby amended by striking out, in lines 2 and 7, the words ", rifle, shotgun or machine gun".

SECTION 54. Section 131C of said chapter 140, as so appearing, is hereby amended by inserting after the word "section", in line 2, the following number: 129B.

SECTION 55. Said section 131C of said chapter 140, as so appearing, is hereby further amended by inserting after figure "131F", in lines 2 and 7, the following words:- or through an exemption under section 129C.

SECTION 56. Said section 131C of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 6, 8 and 9, the words "rifle or shotgun", each time they appear, and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 57. Said section 131C of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words "contained within the locked trunk of the vehicle or in a locked case or other secure container" and inserting in place thereof the following words:- secured in a locked container as defined in section 121.

SECTION 58. Said section 131C of said chapter 140, as so appearing, is hereby further amended by striking out, in line 19, the word "weapon" and inserting in place thereof the following word:- firearm.

SECTION 59. Section 131E of said chapter 140 is hereby repealed.

SECTION 60. Section 131F of said chapter 140, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words ", rifles or shotguns".

SECTION 61. Said section 131F of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the words "alien that resides outside the commonwealth" and inserting in place thereof the following words:- a citizen or national of the United States or a person who maintains legal permanent residency.

SECTION 62. Said section 131F of said chapter 140, as so appearing, is hereby further amended by striking out, in line 9, the number "131" and inserting in place therefor the following number:- 121F.

SECTION 63. Said section 131F of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 18 to 21, inclusive the words "and a large capacity feeding device therefor may be carried if the person has been issued a license. The colonel may permit a licensee to possess a large capacity rifle or shotgun or both" and inserting in place

thereof the following words:- "may be carried if the person has been issued a license".

SECTION 64. Section 131G of said chapter 140 is hereby repealed.

SECTION 65. Section 131H of said chapter 140 is hereby repealed.

SECTION 66. Section 131K of said chapter 140, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 1, 3, 11, 16, 28, 31, 32, 37, 40, 44 and 45, the word "weapon" and inserting in place thereof, in each instance, the word:- firearm.

SECTION 67. Section 131L of said chapter 140, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ", rifle or shotgun including, but not limited to, large capacity weapons, or machine gun".

SECTION 68. Said section 131L of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 3, 6, 8, 10, 22, 39 and 41, the word "weapon", each time it appears, and inserting in place thereof, in each instance, the word:- firearm.

SECTION 69. Said section 131L of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 14 and 22, each time they appear, the words "rifle or shotgun that is not a large capacity weapon" and inserting in place thereof, in each instance the following words:- that is not a large capacity firearm or machine gun.

SECTION 70. Said section 131L of said chapter 140, as so appearing, is hereby further amended by inserting after the word "capacity", in line 17 the following words:- or semiautomatic.

SECTION 71. Said chapter 140 is hereby further amended by striking out section 131M, as so appearing, and inserting in place thereof the following section:-

Section 131M. (a) No person shall possess, own, offer for sale, sell or otherwise transfer in the commonwealth or import into the commonwealth an assault-style firearm, or a large capacity feeding device.

(b) Subsection (a) shall not apply to an assault-style firearm lawfully possessed within the commonwealth on August 1, 2024, by an owner in possession of a license to carry issued under section 131 or by a holder of a license to sell under section 122; provided, that the assault-style firearm shall be registered in accordance with section 121B and serialized in accordance with section 121C.

(c) Subsection (a) shall not apply to large capacity feeding devices lawfully possessed on September 13, 1994 only if such possession is: (i) on private property owned or legally controlled by the person in possession of

the large capacity feeding device; (ii) on private property that is not open to the public with the express permission of the property owner or the property owner's authorized agent; (iii) while on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair; (iv) at a licensed firing range or sports shooting competition venue; or (v) while traveling to and from these locations; provided, that the large capacity feeding device is stored unloaded and secured in a locked container in accordance with sections 131C and 131L. A person authorized under this subsection to possess a large capacity feeding device may only transfer the device to an heir or devisee, a person residing outside the commonwealth, or a licensed dealer.

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

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

SECTION 72. Section 131N of said chapter 140, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

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

SECTION 73. Section 131O of said chapter 140, as so appearing, is hereby amended by striking out, in line 22, the word "weapons" and inserting in place thereof the following word:- firearms.

SECTION 74. Said chapter 140 is hereby further amended by striking out section 131P, as so appearing, and inserting in place thereof the following section:-

Section 131P. (a) Any person applying for the issuance of a license or card under sections 129B, 131 or 131F shall, in addition to the requirements

set forth in this chapter, submit to the licensing authority a basic firearms safety certificate; provided, however, that a certificate issued under section 14 of chapter 131 evidencing satisfactory completion of a hunter education course shall serve as a valid substitute for a basic firearms safety certificate required under this section for the issuance of a firearm identification card pursuant to section 129B. Persons lawfully possessing a firearm identification card or license to carry firearms on August 1, 2024, shall be exempt from this section upon expiration of such card or license and when applying for renewal of such licensure as required under this chapter; provided, however, that persons possessing a firearms identification card or license to carry firearms prior to the implementation of live firearms trainings as required in this section shall also be exempt from such requirement. No application for the issuance of a firearm identification card or license to carry shall be accepted or processed by the licensing authority without such certificate attached thereto; provided, however, that this section shall not apply to: (i) any officer, agent or employee of the commonwealth or any state of the United States; (ii) any member of the military or other service of any state or of the United States; or (iii) any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, shall be authorized by a competent authority to carry or possess the firearm so carried or possessed and shall be acting within the scope of their duties.

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

(ii) The colonel shall certify certain persons as firearms safety instructors, certify safety course curriculum and annually update and post on the department of state police's website a list of approved instructors. Certification as a firearm safety instructor shall be valid for a period of 10 years, unless sooner revoked by reason of unsuitability, in the discretion of said colonel. Firearms safety instructors shall be any person certified by a nationally recognized organization that fosters safety in firearms, or any

other person in the discretion of said colonel, to be competent to give instruction in a basic firearms safety course. Applicants for certification as instructors under this section shall not be exempt from the requirements of this chapter or any other law or regulation of the commonwealth or the United States. Upon application to the colonel of state police, said colonel may, at their discretion, certify as a firearms safety instructor any person who operates a firearms safety course or program that provides in its curriculum: (A) the safe use, handling and storage of firearms; (B) methods for securing and childproofing firearms; (C) the applicable laws relating to the possession, transportation and storage of firearms; (D) knowledge of operation, potential dangers and basic competency in the ownership and use of firearms; (E) injury and suicide prevention and harm reduction education; (F) applicable laws relating to the use of force; (G) disengagement tactics; and (H) live firearms training.

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

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

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

(iii) Licensing authorities shall require a copy of such certificate to be provided concurrently with an application for a license or permit and may make inquiry to the department of criminal justice information services to confirm the issuance to the applicant of a basic firearms safety certificate.

(d) Any person applying for issuance of a license or card under sections 129B, 131 or 131F, who knowingly files or submits a basic firearms safety certificate to a licensing authority which contains false information shall be punished by a fine of not less than $1,000 nor more than $5,000 or by imprisonment for not more than 2 years in a house of correction, or by both such fine and imprisonment.

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

(f) The colonel of state police shall produce and distribute public service announcements to encourage and educate the general public about: (i) safe storage and transportation of firearms as outlined in sections 131C and 131L; and (ii) the importance of firearms safety education and training, including information on places and classes that a person may attend to obtain firearms safety education and training.

(g) The executive office of public safety and security, in collaboration with the department of public health, shall develop educational materials on harm reduction that shall be discussed and distributed by the instructor to every participant in a firearms safety course pursuant to this section. The educational materials shall promote suicide prevention through safe practices by firearms' owners to reduce access to lethal means. The materials shall include, but not be limited to, information relative to: (i) the prevalence of suicide by firearm compared to other forms of firearms' violence, including demographic trends; (ii) the risks of injury and suicide that may be associated with household firearms, including the rate of survival for suicide attempts by firearms compared to other means of attempted suicide; (iii) best practices for identifying and reducing the risk of suicide involving household firearms; (iv) available resources to learn more about safe practices and suicide prevention; and (v) such additional information as determined by the commissioner of public safety and security to be relevant to this section.

SECTION 75. Said chapter 140 is hereby further amended by striking out section 131Q, as so appearing, and inserting in place thereof the following section:-

Section 131Q. (a) A firearm used to carry out a criminal act including the commission of a suicide shall be traced by the licensing authority for

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

(b) The department of criminal justice information services shall ensure that data reported pursuant to this section is automatically transmitted into the federal electronic system maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice and to the commonwealth fusion center or the criminal firearms and trafficking unit within the division of investigation and intelligence in the department of state police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce an annual report no later than December 31 of each year regarding crimes committed in the commonwealth using firearms, including all of the categories of data contained in this section, and shall submit a copy of the report to the joint committee on public safety and homeland security, the clerks of the house of representatives and the senate and, upon request, to criminology, public policy and public health researchers and other law enforcement agencies.

(c) A cartridge casing associated with a firearm reported for tracing under subsection (a) shall be submitted for inclusion in the National Integrated Ballistics Information Network maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice.

SECTION 76. Section 131R of said chapter 140, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "holding a license to carry firearms or a firearm identification card".

SECTION 77. Said section 131R of said chapter 140, as so appearing, is hereby further amended by striking out, in line 11, each time it appears, the words ", rifle, shotgun, machine gun, weapon".

SECTION 77A. Said section 131R of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 12 and 13, the words ", rifles, shotguns, machine guns, weapons".

SECTION 78. Said section 131R of said chapter 140, as so appearing, is hereby further amended by striking out, in line 40, the words "the provisions of".

SECTION 79. Said chapter 140 is hereby further amended by striking out section 131S, as so appearing, and inserting in place thereof the following section:-

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

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

(c)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court finds by a preponderance of the evidence that the respondent poses a risk of causing bodily injury to self or others by having in the respondent's control, ownership or possession a firearm or ammunition, the court shall grant the petition. If the respondent does not appear at the hearing pursuant to subsection (a) or subsection (b), the court shall grant the petition upon a determination that the petitioner has demonstrated by a preponderance of the evidence that the respondent poses such a risk.

(2) Upon granting a petition, the court shall issue an extreme risk protection order and shall order the respondent to surrender any licenses to carry firearms, firearms identification cards and all firearms and ammunition that the respondent then controls, owns or possesses to the licensing authority of the municipality where the respondent resides. The court shall enter written findings as to the basis of its order within 24 hours of granting the order. The court may modify, suspend or terminate its order at any subsequent time upon motion by either party; provided, however, that due

notice shall be given to the respondent and petitioner, and the court shall hold a hearing on said motion. When the petitioner's address is confidential to the respondent as provided in subsection (d) of section 131R and the respondent has filed a motion to modify the court's order, the court shall be responsible for notifying the petitioner. In no event shall the court disclose any such confidential address.

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

(d)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court has probable cause to believe that the respondent has access to a firearm or ammunition, on their person or in an identified place, and the respondent fails to surrender any firearms or ammunition within 24 hours of being served pursuant to subsection (e), the court shall issue a warrant identifying the property, naming or describing the person or place to be searched, and commanding the appropriate law enforcement agency to search the person of the respondent and any identified place and seize any firearm or ammunition found to which the respondent would have access.

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

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

(e) Upon issuing an extreme risk protection order the clerk-magistrate of the court shall transmit 2 certified copies of the order and 1 copy of the petition and summons forthwith to the licensing authority of the municipality where the respondent resides which, unless otherwise ordered by the court, shall serve a copy of the order and petition upon the respondent. If a warrant has been issued pursuant to subsection (d) or pursuant to subsection (b) of section 131T, the court shall submit 2 certified copies of the warrant, 1 copy of the petition and summons and 1 copy of the extreme risk protection order to the appropriate law enforcement agency for execution. Licensing authorities and law enforcement agencies shall establish adequate procedures to ensure that, when effecting service upon a respondent or executing a warrant, a law enforcement officer shall, to the extent practicable: (i) fully inform the respondent of the contents and terms of the order or warrant and the available penalties for any violation of an order; and (ii) provide the respondent with informational resources, including, but not limited to, a list of services relating to crisis intervention, mental health, substance use disorders and counseling, and a list of interpreters, as necessary, located within or near the court's jurisdiction. The chief justice of the trial court, in consultation with the executive office of public safety and security, and the department of mental health, shall annually update the informational resource guides required under this section.

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

(f) Upon receipt of service of an extreme risk protection order, the licensing authority of the municipality where the respondent resides shall immediately suspend the respondent's license to carry firearms or a firearm identification card and immediately notify the respondent of said suspension and shall not issue any license to carry or firearm identification card to the respondent for the duration of the order.

Upon receipt of service of an extreme risk protection order the respondent shall immediately surrender their license to carry firearms or a firearm identification card and all firearms or ammunition in their control, ownership or possession to the local licensing authority serving the order, in accordance with section 129D; provided, however, that nothing in this section or in section 129D shall allow the respondent to: (i) transfer any firearms or ammunition required to be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer or the local licensing

authority; or (ii) maintain control, ownership or possession of any firearms or ammunition during the pendency of any appeal of an extreme risk protection order; provided, however, that while the surrender of ownership pursuant to an extreme risk protection order shall require the immediate surrender of any license to carry firearms or a firearm identification card and all firearms or ammunition in the respondent's control or possession, it shall not require the surrender of permanent ownership rights; and provided further that, notwithstanding section 129D, if the licensing authority cannot reasonably ascertain a lawful owner of firearms or ammunition surrendered pursuant to extreme risk protection order within 180 days of the expiration or termination of the extreme risk protection order, the licensing authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms or ammunition to properly licensed distributors or firearms dealers and the proceeds of such sale or transfer shall be remitted or credited to the municipality in which the licensing authority presides to be used for violence reduction or suicide prevention. A violation of this subsection shall be punishable by a fine of not more than $5,000 or by imprisonment for not more than 2½ years in a house of correction or by both such fine and imprisonment.

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

(h) If a person other than the respondent claims title to any firearms or ammunition required to be surrendered or seized pursuant to this section, and is determined by the licensing authority to be the lawful owner of the firearms or ammunition, the firearms or ammunition shall be returned to the person; provided, however, that: (i) the firearms or ammunition shall be removed from the respondent's control, ownership or possession and the lawful owner agrees to store the firearms or ammunition in a manner such that the respondent does not have access to, or control of, the firearms or ammunition; and (ii) the firearms or ammunition shall not be otherwise

unlawfully possessed by the owner. A violation of this subsection shall be punishable by a fine of not more than $5,000 or by imprisonment for not more than 2½ years in a house of correction or by both such fine and imprisonment.

(i) Upon the expiration or termination of an extreme risk protection order, a licensing authority holding any firearms ammunition that have been surrendered or seized pursuant to this section shall return any license to carry firearms or firearm identification card and all firearms or ammunition requested by a respondent only after the licensing authority of the municipality in which the respondent resides confirms that the respondent is suitable for a license to carry firearms or a firearm identification card and to control, own or possess firearms or ammunition under federal and state law.

Not less than 7 days prior to expiration of an extreme risk protection order, a licensing authority holding any firearms or ammunition that have been surrendered or seized pursuant to this section shall notify the petitioner of the expiration of the extreme risk protection order and the return of a license to carry firearms or firearm identification card and the return of any firearms or ammunition to the respondent.

As soon as reasonably practicable after receiving notice of the termination of an extreme risk protection order by the court, a licensing authority holding any firearms or ammunition that have been surrendered or seized pursuant to this section shall notify the petitioner of the termination of the extreme risk protection order and the return of a license to carry firearms or firearm identification card and the return of any firearms or ammunition to the respondent.

(j) A respondent who has surrendered a license to carry firearms or firearm identification card and all firearms or ammunition to a licensing authority, or who had any firearms or ammunition seized by a law enforcement agency, and who does not wish to have the license to carry firearms or firearm identification card or firearms or ammunition returned or who is no longer eligible to control, own or possess firearms or ammunition pursuant to this chapter or federal law, may sell or transfer title of the firearms or ammunition to a licensed firearms dealer, notwithstanding the limits on private firearm transfers in section 127B; provided, however, that the respondent shall not take physical possession of the firearms or ammunition. The licensing authority may transfer possession of the firearms or ammunition to a licensed dealer upon the dealer providing the licensing authority with

written proof of the sale or transfer of title of the firearms or ammunition from the respondent to the dealer.

(k) If the licensing authority cannot reasonably ascertain the lawful owner of any firearms or ammunition surrendered or seized pursuant to this section within 180 days of the expiration or termination of the order to surrender the firearms or ammunition the licensing authority may dispose of the firearms or ammunition pursuant to section 129D.

SECTION 80. Said chapter 140 is hereby further amended by striking out section 131T, as so appearing, and inserting in place thereof the following section:-

Section 131T. (a)(1) Upon the filing of a petition pursuant to section 131R, the court may issue an emergency extreme risk protection order without notice to the respondent and prior to the hearing required pursuant to subsection (a) of section 131S if the court finds reasonable cause to conclude that the respondent poses a risk of causing bodily injury to the respondent's self or others by being in possession of a license to carry firearms or a firearm identification card or having in the respondent's control, ownership or possession a firearm or ammunition. Upon issuance of an emergency extreme risk protection order pursuant to this section, the clerk magistrate of the court shall notify the respondent pursuant to subsection (e) of section 131S. An order issued under this subsection shall expire 10 days after its issuance unless a hearing is scheduled pursuant to subsection (a) or (b) of said section 131S or at the conclusion of a hearing held pursuant to said subsection (a) or (b) of said section 131S unless a permanent order is issued by the court pursuant to paragraph (2) of subsection (c) of said section 131S.

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

(b)(1) If the court has probable cause to believe that the respondent has access to a firearm or ammunition, on their person or in an identified place, and the respondent fails to surrender any firearms or ammunition within 24 hours of being served pursuant to subsection (e) of section 131S, the court shall issue a warrant identifying the property, naming or describing the person or place to be searched, and commanding the appropriate law enforcement agency to search the person of the respondent and any

identified place and seize any firearm or ammunition found to which the respondent would have access.

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

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

SECTION 81. Section 131X of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 2 and 3, and 4 and 5, each time they appear, the words ", rifles, shotguns, machine guns, weapons".

SECTION 82. Said section 131X of said chapter 140, as so appearing, is hereby amended by inserting after the word "license", in line 8, the following words:- to carry firearms or a firearm identification card.

SECTION 83. Said section 131X of said chapter 140, as so appearing, is hereby further amended by striking out, in line 12, the words "family or household member" and inserting in place thereof the following word:- "petitioner".

SECTION 84. Said section 131X of said chapter 140, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following 4 subsections:-

(d) Notwithstanding any general or special law, rule or regulation to the contrary, any health care provider duly authorized as a petitioner, upon filing an application or renewal for an extreme risk protection order, may disclose protected health information of the respondent only to the extent necessary for the full investigation and disposition of such application or renewal for an extreme risk protection order. When disclosing protected health information, a health care provider shall make reasonable efforts to limit protected health information to the extent necessary to accomplish the filing of the application or renewal.

(e) Upon receipt of a petition by any health care provider and for good cause shown, the court may issue orders as may be necessary to obtain any clinical records or any other records or documents relating to diagnosis, prognosis or treatment of the respondent as are necessary for the full investigation and disposition of an application for an extreme risk protection order under this section. All such records and other health information provided shall be sealed by the court.

(f) The decision of any health care provider to disclose or not to disclose clinical records or other records or documents relating to the diagnosis, prognosis or treatment of a patient pursuant to this subsection, when made reasonably and in good faith, shall not be the basis for any civil or criminal liability with respect to such health care provider; provided, however, that any health care provider duly authorized as a petitioner shall not be subject to civil or criminal liability for failure to petition the court for the issuance or renewal of an extreme risk protection order.

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

SECTION 85. Section 131Y of said chapter 140, as so appearing, is hereby amended by striking out clauses (7) to (12), inclusive, and inserting in place thereof the following 10 clauses:-

(7) the number of warrants issued pursuant to subsection (d) of section 131S or section 131T;

(8) the number of warrants issued pursuant to subsection (d) or section 131S or section 131T that lead to the seizure of firearms or ammunition;

(9) a breakdown of the types of items surrendered, including but not limited to, license to carry or firearm identification card, firearm or ammunition;

(10) a breakdown of the types of items seized, including, but not limited to, firearms or ammunition;

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

(12) the number of instances in which a petition was found to be fraudulent and the penalties received in each instance;

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

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

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

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

SECTION 86. Section 3B of chapter 209A of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7 and 20 and 21, each time it appears, the words ", rifles, shotguns, machine guns".

SECTION 87. Said section 3B of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 13, the word "weapon" and inserting in place thereof the following word:- firearm.

SECTION 88. Said section 3B of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 15 the word "weapons" and inserting in place thereof the following word:- firearms.

SECTION 88A. Said section 3B of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 37, the words ", rifle, shotgun, machine gun".

SECTION 89. Section 3C of said chapter 209A, as so appearing, is hereby amended by striking out, in lines 6 and 9, each time they appear, the words ", rifles, shotguns, machine guns".

SECTION 90. Said section 3C of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 13, the word "weapon" and inserting in place thereof the following word:- firearm.

SECTION 91. Said section 3C of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 17, the word "weapons" and inserting in place thereof the following word:- firearms.

SECTION 92. Chapter 258E of the General Laws is hereby amended by inserting after section 4 the following 3 sections:-

Section 4A. Upon issuance of a temporary or emergency order under sections 5 or 6, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of harassment, order the immediate suspension and surrender of any license to carry or firearm identification card that the defendant may hold and order the defendant to surrender all firearms and ammunition that the defendant then controls, owns or possesses in accordance with the provisions of this chapter and chapter 140. Any license to carry or firearm identification card that the defendant may hold shall be surrendered to the appropriate law enforcement official in accordance with the provisions of this chapter and chapter 140 and said law enforcement official may store, transfer or otherwise dispose of any such firearms or ammunition in accordance with the provisions of section 129D of said chapter 140; provided, however, that nothing herein shall authorize the transfer of any firearms or ammunition surrendered by the defendant to anyone other than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the copy of the harassment prevention order served on the defendant pursuant to section 9. Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms and ammunition, and any license to carry or firearm identification card in the control or possession of said defendant. Any violation of such orders shall be punishable by a fine of not more than $5,000 or by imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and imprisonment.

Any defendant aggrieved by an order of surrender or suspension under this section may petition the court that issued such suspension or surrender order for a review of such action and such petition shall be heard not later than 10 court business days after the receipt of the notice of the petition by the court. If said license to carry or firearm identification card has been suspended upon the issuance of an order issued pursuant to sections 5 or 6, said petition may be heard contemporaneously with the hearing under the second sentence of the second paragraph of section 5. Upon the filing of an affidavit by the defendant that a firearm or ammunition is required in the performance of the defendant's employment and, upon a request for an expedited hearing, the court shall order said hearing within 2 business days

of receipt of such affidavit and request but only on the issue of surrender and suspension pursuant to this section.

Section 4B. Upon the continuation or modification of an order issued pursuant to section 5 or upon petition for review as described in section 4A, the court shall also order or continue to order the immediate suspension and surrender of a defendant's license to carry or firearm identification card and the surrender of all firearms and ammunition that such defendant then controls, owns or possesses if the court makes a determination that the return of such license to carry or firearm identification card or firearms and ammunition to the defendant presents a likelihood of harassment to the plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long as the harassment prevention order to which it relates is in effect and any law enforcement official to whom such firearm or ammunition is surrendered may store, transfer or otherwise dispose of any such firearm or ammunition in accordance with the provisions of section 129D of chapter 140; provided, however, that nothing herein shall authorize the transfer of any firearms or ammunition surrendered by the defendant to anyone other than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than $5,000 or by imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and imprisonment.

Section 4C. Upon an order for suspension or surrender issued pursuant to sections 4A or 4B, the court shall transmit a report containing the defendant's name and identifying information and a statement describing the defendant's alleged conduct and relationship to the plaintiff to the department of criminal justice information services. Upon the expiration, cancellation or revocation of the order, the court shall transmit a report containing the defendant's name and identifying information, a statement describing the defendant's alleged conduct and relationship to the plaintiff and an explanation that the order is no longer current or valid to the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System or any successor system maintained for the purpose of conducting background checks for firearms sales or licensing.

SECTION 93. Section 15E of chapter 265 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words ", large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun".

SECTION 94. Section 15F of said chapter 265, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words ", large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun".

SECTION 95. Section 17 of said chapter 265, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "shotgun, rifle, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 96. Said section 17 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 13 and 14, the words ", shotgun, rifle, machine gun or assault weapon".

SECTION 97. Section 18 of said chapter 265, as so appearing, is hereby amended by striking out, in lines 5 and 6 and line 30, the words "shotgun, rifle, machine gun or assault weapon" and inserting in place thereof, in each instance, the following words:- as defined in section 121 of chapter 140,.

SECTION 98. Section 18A of said chapter 265, as so appearing, is hereby amended by striking out, in line 8, the words "shotgun, rifle or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 99. Section 18B of said chapter 265, as so appearing, is hereby amended by striking out, in line 4, the words "rifle or shotgun" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 100. Said section 18B of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 6 and 7,18 and 19 and line 21, each time they appear, the words ", rifle or shotgun".

SECTION 101. Said section 18B of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 7 and 22, each time it appears, the word "weapon" and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 102. Said section 18B of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 14 and 15, the words ", rifle or shotgun including, but not limited to, a large capacity weapon or machine gun".

SECTION 103. Section 21A of said chapter 265, as so appearing, is hereby amended by striking out, in lines 14 and 15, the words "rifle, shotgun, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 104. Section 22 of said chapter 265, as so appearing, is hereby amended by striking out, in lines 28 and 29, the words "rifle, shotgun, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 105. Section 24 of said chapter 265, as so appearing, is hereby amended by striking out, in line 8, the words "rifle, shotgun, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 106. Section 24B of said chapter 265, as so appearing, is hereby amended by striking out, in line 9, the words "rifle, shotgun, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 107. Section 26 of said chapter 265, as so appearing, is hereby amended by striking out, in line 16, the words "rifle, shotgun, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 108. Said section 26 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 22 and 23, the words ", rifle, shotgun, machine gun or assault weapon".

SECTION 109. Section 39 of said chapter 265, as so appearing, is hereby amended by striking out, in line 22, the words "rifle, shotgun, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 110. Section 58 of said chapter 265, as so appearing, is hereby amended by striking out, in line 2, the word "weapon" and inserting in place thereof the following word:- firearm.

SECTION 111. Section 14 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words "rifle, shotgun, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 112. Section 17 of said chapter 266, as so appearing, is hereby amended by striking out, in line 7, the words "rifle, shotgun, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 113. Section 18 of said chapter 266, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words "rifle, shotgun, machine gun or assault weapon" and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 114. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby amended by inserting, in line 28, after the words "possession of" the following words: not semiautomatic.

SECTION 115. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 101, the words "as defined in" and inserting in place thereof the following words:- automatic part, bump stock, rapid-fire trigger activator or trigger modifier, as those terms are defined in.

SECTION 116. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 134, the words ", any rifle or shotgun" and inserting in place thereof the following words:- any firearm.

SECTION 117. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 135 to 137, inclusive, the words "the requirement of a serial number, as provided in section one hundred and twenty-nine B of chapter one hundred and forty" and inserting in place thereof the following words:- the registration requirement, as provided in section 121B of chapter 140.

SECTION 118. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 140 and 141, line 150 and lines 151 and 152, each time they appear, the words ", rifle, shotgun".

SECTION 120. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 158, the words "or machine guns".

SECTION 121. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 162, the words ", rifle, shotgun or machine gun".

SECTION 122. Said section 10 of said section 269, as so appearing, is hereby further amended by striking out, in line 170, the words "law enforcement officer" and inserting in place thereof the following words:- qualified law enforcement officer or a qualified retired law enforcement officer, as defined in the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. sections 926B and 926C, respectively, as amended.

SECTION 123. Said section 10 of said section 269, as so appearing, is hereby further amended by inserting after the word "university", in line 174, the following words ", including transport used for students of said institution,.

SECTION 124. Said section 10 of said section 269, as so appearing, is hereby further amended by inserting after subsection (j) the following subsection:

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

(2) For the purposes of this subsection, "prohibited area" shall mean any of the following locations:

(i) a place owned, leased, or under the control of state, county or municipal government and used for the purpose of government administration, judicial or court administrative proceedings, or correctional services, including in or upon any part of the buildings, grounds, or parking areas thereof; provided, however, that a "prohibited area" shall not include any state-owned public land available to the public for hunting and provided further that a municipality may vote pursuant to section 4 of chapter 4 to exclude its administrative buildings from being a "prohibited area"; or

(ii) a location in use at the time of possession for the storage or tabulation of ballots during the hours in which voting or tabulation is occurring or a polling place or early voting site while open for voting or within 150 feet of the building entrance door to such polling place or early voting site.

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

(4) It shall be a defense to a violation of this subsection that a person with the necessary license or card issued under sections 129B, 131 or 131F of chapter 140 to possess the firearm securely stored said firearm in a vehicle while within the prohibited area in accordance with sections 131C and 131L of chapter 140.

(5) This subsection shall not apply to a qualified law enforcement officer or a qualified retired law enforcement officer, as defined in the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. sections 926B and 926C, respectively, as amended or to a security guard employed at the prohibited area while at the location of their employment and during the course of their employment. Nothing in this paragraph shall limit the authority of any municipality, county or department, division, commission, board, agency or

court of the commonwealth to adopt policies further restricting the possession of firearms in areas under their control.

SECTION 125. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 196 and 226, the word "weapon" and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 126. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 240, the words ", loaded sawed off shotgun or loaded machine gun".

SECTION 127. Subsection (o) of said section 10 of said chapter 269, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

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

SECTION 128. Section 10A of said chapter 269, as so appearing, is hereby amended by striking out, in line 11, the words "firearm shall" and inserting in place thereof the following words:- firearm, including any combination of parts designed or redesigned and intended for use in assembling or fabricating any such instrument, attachment, weapon or appliance and any part intended only for use in such assembly or fabrication, shall.

SECTION 129. Said section 10A of said chapter 269, as so appearing, is hereby further amended by striking out, in line 16, the words "or appliance" and inserting in place thereof the following words:- , appliance or parts.

SECTION 130. Section 10E of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "rifles, shotguns, machines guns, or any combination thereof," and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 131. Said section 10E of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the words ", rifles, shotguns, machines guns, or any combination thereof".

SECTION 132. Section 10F of said chapter 269, as so appearing, is hereby amended by striking out, in lines 3 and 31, each time it appears, the word "weapon" and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 133. Section 10H of said chapter 269, as so appearing, is hereby amended by inserting after the figure "140,", in line 4, the following

words:- while with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

SECTION 134. Said chapter 269 is hereby further amended by striking out section 10I, as so appearing, and inserting in place thereof the following section:-

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

(b) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or transfer possession of the firearm to a prohibited person, as defined in section 121F of chapter 140, shall be punished by imprisonment in state prison for not less than 10 years nor more than 20 years.

(c) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or transfer the firearm to a prohibited person, as defined in section 121F of chapter 140, and if the firearm is subsequently used to cause the death of another, shall be punished by imprisonment in state prison for not less than 20 years.

SECTION 135. Section 10K of said chapter 269, as so appearing, is hereby amended by striking out, in lines 9 and 10, lines 15 and 16, and line 19, the words ", rifle, shotgun, machine gun or ammunition" and inserting in place thereof, in each instance, the following words:- or ammunition, as defined in section 121 of chapter 140.

SECTION 136. Said chapter 269 is hereby amended by striking out section 11A, as so appearing, and inserting in place thereof the following section:-

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

SECTION 137. Section 11B of said chapter 269, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

Whoever, while in the commission or attempted commission of a felony, has in their possession or under their control an untraceable firearm, shall be punished by imprisonment for not less than 2 ½ years.

SECTION 138. Said chapter 269 is hereby amended by striking out section 11C, as so appearing, and inserting in place thereof the following section:-

Section 11C. Whoever, by themself or with another, knowingly manufactures, assembles, imports, sells or transfers ownership of an untraceable firearm, or knowingly participates in the manufacture, assembly, import, sale or transfer of an untraceable firearm or purchases or receives a firearm with knowledge that it is untraceable, shall be punished by imprisonment for not less than 12 months and not more than 2½ years. Possession or control of a firearm that is untraceable shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge that the firearm was untraceable, or by evidence that they had no guilty knowledge thereof. Upon a conviction of a violation of this section said firearm shall be forwarded, by the authority of the written order of the court, to the colonel of the state police, who shall cause said firearm or to be destroyed.

SECTION 139. Section 11E of said chapter 269, as so appearing, is hereby repealed.

SECTION 140. Section 12D of said chapter 269, as so appearing, is hereby amended by striking out, in line 30, the word "weapon" and inserting in place thereof the following word:- firearm.

SECTION 141. Said chapter 269 is hereby further amended by striking out section 12E, as so appearing, and inserting in place thereof the following section:-

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

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

(c) This section shall not apply to a dwelling or building on the same property as: (i) persons using underground or indoor target or test ranges with the consent of the owner or legal occupant thereof; (ii) persons using outdoor skeet, trap, target or test ranges with the consent of the owner or legal occupant of the land on which the range is established; or (iii)

persons using shooting galleries, licensed and defined under the provisions of section 56A of chapter 140. Nothing in this section shall exempt any person from compliance with noise control laws, regulations, ordinances or by-laws in effect or from the prohibitions of section 58 of chapter 131.

SECTION 142. Section 12F of said chapter 269, as so appearing, is hereby amended by striking out, in lines 11 and 12, the words "as defined in section 131J of chapter 140, any rifle, shotgun".

SECTION 143. Said chapter 269 is hereby further amended by inserting after section 12F the following section:-

Section 12G. Whoever by intentional or reckless discharge of a firearm, as defined in section 121 of chapter 140, strikes a dwelling or other building in use shall be punished by imprisonment in the house of correction for not more than 2 ½ years or in state prison for not more than 5 years or by a fine of not more than $10,000, or both such imprisonment and fine. This section shall not apply to persons acting in the lawful defense of life or property or any law enforcement officer acting in the discharge of their duties. This section shall not apply for dwellings or buildings within the property of: (a) persons using underground or indoor target or test ranges with the consent of the owner or legal occupant thereof; (b) persons using outdoor skeet, trap, target or test ranges with the consent of the owner or legal occupant of the land on which the range is established; or (c) persons using shooting galleries, licensed and defined in section 56A of chapter 140. Nothing in this section shall exempt any persons from compliance with noise control laws, ordinances or by-laws in effect or from the prohibitions of section 58 of chapter 131.

SECTION 144. Section 14 of said chapter 269, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 15, the words "rifle, shotgun, machine gun or assault weapon,".

SECTION 145. Section 58A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words "weapon or machine gun" and inserting in place thereof the following word:- firearm.

SECTION 146. Said section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in line 28, the word "weapon" and inserting in place thereof the following word:- firearm.

SECTION 147. Section 25 of chapter 279 of the General Laws, as so appearing, is hereby amended by striking out, in lines 17 and 18, the words ", shotgun, rifle, machine gun, or assault weapon," and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 148. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

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

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

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

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

(d) The special legislative commission shall investigate and study the status, feasibility, and utility of emerging firearm technologies, including, but not limited to, personalized firearm technology and microstamp technology. The study shall include: (i) a review of existing and developing personalized firearm and microstamp technologies and any legal or constitutional issues relating to such technologies; (ii) an investigation of the accuracy, effectiveness and utility of personalized firearm and microstamp technologies; (iii) an evaluation of the commercial availability of personalized firearm and microstamp technologies, both in the production of new firearms and modification of existing firearms; (iv) an evaluation of the feasibility and utility of a personalized firearm technology tax incentive program; (v) an evaluation of the risks associated with the use of a digital firearm manufacturing code for machine learning and artificial intelligence; and (vi) an investigation of the cost and impacts associated

with requiring the use of personalized firearm or microstamp technologies in the commonwealth.

(e) The special legislative commission shall submit a report of its study and recommendations, together with any legislative recommendations, to the clerks of the house of representatives and the senate no later than March 1, 2025.

SECTION 149. (a) There is hereby established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to study the commonwealth's funding structure for violence prevention services.

(b) The special legislative commission shall consist of 19 members: the chairs of the joint committee on public health or their designees, who shall serve as co-chairs; the chairs of the joint committee on public safety and homeland security or their designees; the secretary of public safety and security or a designee; the secretary of health and human services or a designee; 1 member appointed by the speaker of the house of representatives who shall be from an organization that has received a grant through the Safe and Successful Youth Initiative; 1 member appointed by the president of the senate who shall be from an organization that has received a grant through the Safe and Successful Youth Initiative; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of the senate; 3 member appointed by the governor, 1 or whom shall be from an organization involved in early child education or development, 1 of whom shall represent a community-based organization providing intervention and prevention services and 1 of whom shall represent a female-led community-based organization providing violence prevention and intervention services; 2 members appointed by the Massachusetts Black and Latino Legislative Caucus who are not members of the general court; 1 member appointed by the Massachusetts Asian-American Legislative Caucus who is not a member of the general court; 1 member appointed by the Massachusetts Association of School Superintendents, Inc.; 1 member appointed by the Massachusetts Health and Hospital Association, Inc. and 1 member from the Massachusetts Business Roundtable.

(c) The special legislative commission shall: (i) examine and evaluate the existing government funding structure for violence prevention services in the commonwealth, including funding sources, public-private partnerships, initiatives and programs utilized, specific services funded, the impact of services provided to survivors of victims of homicide in fostering healing and breaking the generational cycle of violence, communities served, how

funding decisions are made, and how service providers and programs are chosen; (ii) study the feasibility of a statewide grant for municipal boards of health, health departments and health commissions for the development and operation of a public health and safety approach to preventing targeted violence through structured collaboration that brings together local law enforcement, housing providers, human services providers, youth providers, educators, residents, community-based organizations, coalitions and other stakeholders to address housing, health care, substance use and mental health issues as they relate to violence prevention and intervention; and (iii) recommend changes to promote efficiency, transparency, accessibility and utility with the ultimate goal of enhancing violence prevention services and minimizing the disproportionate impact of violence in historically impacted communities.

(d) The special legislative commission shall submit a report of its study and recommendations, together with any proposed legislation, to the clerks of the house of representatives and the senate no later than March 1, 2025.

SECTION 150. (a) There is hereby established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to study the collection, maintenance, access, use and distribution of firearm data by the commonwealth.

(b) The special legislative commission shall investigate and make recommendations for improvements to how firearm data: (i) is collected through the reporting of the possession and transfer of firearms and firearm parts including sales by licensed firearm dealers, transfers by non-retailers and lost or stolen firearms and how such collection will be affected by the registration, reporting and serialization requirements set forth in this act; (ii) is maintained and distributed by state agencies including the department of criminal justice information services; (iii) is shared between federal, state and local agencies including firearms tracing efforts and tracking firearms used in attempted or completed suicides; (iv) is accessed and used by licensing authorities as defined in section 121 of chapter 140 of the General Laws including processing applications for firearm licenses, investigating prohibited persons and unsuitability, receiving alerts on changes in licensee status and confiscating firearms pursuant to an emergency risk protection order; and (v) is reported by state agencies to the legislature or researchers under section 18 ¾ of chapter 6A of the General Laws and section 131Q of chapter 140 of the General Laws or is accessible to

the public under section 121E of said chapter 140. The special commission shall make further recommendations on the consolidation and clarification of existing firearm data reporting statutes and requirements.

(c) The special legislative commission shall consist of 15 members: the chairs of the joint committee on public safety and homeland security or their designees, who shall serve as co-chairs; the secretary of public safety and security or a designee; the secretary of technology services and security or a designee; the attorney general or a designee 1 member appointed by the speaker of the house of representatives who shall be an expert in data collection and analytics; 1 member appointed by the president of the senate who shall be an expert in data collection and analytics; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of the senate; the colonel of the state police or a designee; the commissioner of criminal justice information services or a designee; 1 member appointed by the Massachusetts District Attorneys Association; and 3 members appointed by the governor, 1 of whom shall be a police chief from a rural community selected from a list of 3 nominees from the Massachusetts Chiefs of Police Association, 1 of whom shall be a police chief from an urban or suburban community selected from a list of 3 nominees from the Massachusetts Chiefs of Police Association and 1 of whom shall be an expert in data collection and analytics.

(d) The commission shall submit a report, together with any legislative or regulatory recommendations, to the house and senate committees on ways and means and the clerks of the house of representatives and senate not later than August 1, 2025.

SECTION 151. (a) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish a task force to review the availability of federal funding to support community violence prevention programs and to make recommendations to maximize federal funding in an equitable manner that supports community violence prevention service delivery across the commonwealth. The task force shall consist of: the secretary of health and human services or a designee, who shall serve as chair; the commissioner of public health or a designee; the director of Medicaid or a designee; and 9 persons to be appointed by the secretary of health and human services, 2 of whom shall represent organizations that have received a grant through the Safe and Successful Youth Initiative, 2 of whom shall represent recipients of the gun violence prevention grant through the department of public health, 2 of whom shall have lived experience with the

impacts of community violence of which at least 1 shall have received services from a community violence intervention or prevention program, 1 of whom represents a hospital that currently operates a hospital-based violence prevention program in the commonwealth, 1 of whom represents a hospital in the commonwealth that does not currently operate a hospital-based violence prevention program and 1 of whom represents behavioral health care clinicians with experience providing trauma informed care.

(b) The task force shall consider: (i) whether federal funds may be applied equitably to community violence prevention programs, in clinical and nonclinical settings, across geographic regions; (ii) the ability of existing community violence prevention and intervention programs to implement any federal requirements to be eligible for funding; and (iii) any impact federal funding may have on the service delivery model of violence prevention services in the commonwealth.

(c) The task force shall submit its recommendations to the governor and the clerks of the house of representatives and senate not later than December 2, 2024.

(d) If the task force recommends that the secretary of health and human services pursue an amendment to the Medicaid state plan and seek any federal approval necessary to access federal funds to support equitable access to community violence prevention services, then the secretary shall pursue such an amendment and shall seek any such federal approval in accordance with the recommendations and findings of the task force.

SECTION 152. Notwithstanding any general or special law, rule or regulation to the contrary, the secretary of public safety and security or a designee shall study and report to the legislature on recommendations to ensure the effective implementation of live firearm training as required pursuant to section 131P of chapter 140 of the General Laws. Said report shall include, but not be limited to, any recommendations to ensure that such training does not become cost prohibitive and that resources and facilities to conduct such training are adequate and reasonably available to individuals in all regions of the state. Prior to issuing such report and recommendations, the secretary, or designee, shall conduct not less than 2 public hearings in different regions of the state to solicit public input regarding the implementation of the live firearm training requirement. The report and any recommendations shall be filed with the clerk of the house of representatives, the clerk of the senate, the senate and house chairs of the joint committee on the judiciary and the senate and house chairs of the joint

committee on public safety not later than 9 months from the effective date of this act.

SECTION 153. A valid license to carry a firearm issued under sections 131 or 131F of chapter 140 of the General Laws, a valid firearm identification card under section 129B of said chapter 140 or a valid license to sell under section 122 of said chapter 140, shall remain valid until the expiration, suspension or revocation of said license and shall entitle the holder to possess the firearms authorized by the license at the time it was last issued or renewed.

SECTION 154. Not later than 6 months after the effective date of this act, the executive office of public safety and security shall notify all individuals with licenses to carry and firearm identification cards valid on the effective date of this act of the requirements under section 121B and 121C of chapter 140 of the General Laws, as inserted by section 32.

SECTION 155. (a) Not later than 6 months after the effective date of this act, the executive office of public safety and security shall promulgate regulations required by section 121B of chapter 140 of the General Laws, as inserted by section 32.

(b) Not later than 6 months after the effective date of this act, the executive office of public safety and security, in consultation with the department of criminal justice information services, shall promulgate regulations required by section 121C of said chapter 140, as inserted by section 32.

SECTION 156. Not later than 1 year after the effective date of this act, the department of criminal justice information services shall establish the online dashboard and publish firearm data required by subsection (c) of section 121E of chapter 140 of the General Laws, as inserted by section 32.

SECTION 157. The department of criminal justice information services shall establish the electronic firearms registration system established pursuant to section 121B of chapter 140 of the General Laws, as inserted by section 32, not later than 1 year after the effective date of this act; provided, that all firearms shall be registered in accordance with this act and not later than 1 year after said electronic firearms registration system is completed and publicly available.

SECTION 158. The department of criminal justice information services shall establish the serial number request system established pursuant to section 121C of chapter 140 of the General Laws, as inserted by section 32, not later than 1 year after the effective date of this act; provided, that

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

SECTION 159. Sections 38 and 75 shall take effect 18 months after the effective date of this act.

House of Representatives, July 18, 2024.

Passed to be enacted, Kate Hi, Speaker.

In Senate, July 18, 2024.

Passed to be enacted, Cynthia Stone Creem, President.

July 25, 2024.

Approved,

M T. Healey

Governor.