

**HOUSE . . . . . No. 2489**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***David Paul Linsky***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to close the large capacity magazine loophole.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:      | DATE ADDED:      |
|----------------------------|------------------------|------------------|
| <i>David Paul Linsky</i>   | <i>5th Middlesex</i>   | <i>1/13/2021</i> |
| <i>Jack Patrick Lewis</i>  | <i>7th Middlesex</i>   | <i>1/20/2021</i> |
| <i>Kay Khan</i>            | <i>11th Middlesex</i>  | <i>1/26/2021</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i>   | <i>1/27/2021</i> |
| <i>Danillo A. Sena</i>     | <i>37th Middlesex</i>  | <i>1/28/2021</i> |
| <i>Steven C. Owens</i>     | <i>29th Middlesex</i>  | <i>2/10/2021</i> |
| <i>Michael J. Barrett</i>  | <i>Third Middlesex</i> | <i>2/23/2021</i> |
| <i>Michelle M. DuBois</i>  | <i>10th Plymouth</i>   | <i>2/26/2021</i> |

**HOUSE . . . . . No. 2489**

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By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 2489) of David Paul Linsky and others relative to the sale, transfer, or possession of large capacity ammunition gun feeding devices. Public Safety and Homeland Security.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2095 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act to close the large capacity magazine loophole.

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

1           SECTION 1. Section 131M of Chapter 140 of the General Laws, is hereby amended by  
2 inserting after the second paragraph the following paragraphs:-

3           Any person who lawfully possesses a large capacity feeding device, pursuant to this  
4 section, prior to January 1, 2020, shall apply by January 1, 2020, or if such person is a member  
5 of the military or naval forces of this state or of the United States and is unable to apply by  
6 January 1, 2020, because such member is or was on official duty outside of this state, shall apply  
7 within 90 days of returning to the state, to the executive offices of public safety and security to  
8 declare possession of such large capacity feeding device. Such application shall be made on such  
9 form or in such manner as the executive offices of public safety and security prescribes.

10           A large capacity feeding device may be possessed, purchased, or imported by the  
11 following for official duty purposes: (1) police departments, the department of corrections, the  
12 department of criminal justice information services, the department of energy and environmental  
13 protection, or the military or naval forces of this state or of the United States; and (2) any person,  
14 firm, or corporation engaged in the business of manufacturing large capacity feeding devices in  
15 this state that manufactures, purchases, tests, or transports large capacity feeding devices in this  
16 state for sale within this state to persons specified in subdivision (1), or for sale outside this state.  
17 No persons as outlined above who lawfully possesses a large capacity feeding device for official  
18 duties shall be required to declare possession of a large capacity feeding device as pursuant to  
19 this section, except that any such person who retires or is otherwise separated from service who  
20 possesses a large capacity feeding device that was purchased or obtained by such person for  
21 official use before such person retired or separated from service shall declare possession of the  
22 large capacity feeding device within 90 days of such retirement or separation from service to the  
23 executive office of public safety and security.

24           A large capacity feeding device may be possessed by: (1) a licensed gun dealer; and (2) a  
25 gunsmith who is in a licensed gun dealers' employ, who possesses such large capacity feeding  
26 device for the purpose of servicing or repairing a lawfully possessed large capacity feeding  
27 device; any person who has declared possession of the large capacity feeding device pursuant to  
28 this section.

29           The executive office of public safety and security may adopt regulations to establish  
30 procedures with respect to applications under this section. The name and address of a person who  
31 has declared possession of a large capacity feeding device shall be confidential and shall not be  
32 disclosed, except such records may be disclosed to: (1) law enforcement agencies and employees

33 of the United States probation office acting in the performance of their duties and parole officers  
34 within the department of corrections acting in the performance of their duties; and (2) the  
35 department of mental health.

36 Any person who moves into the state, except for a member of the military or naval forces  
37 of this state or of the United States, in lawful possession of a large capacity feeding device shall,  
38 within 90 days, apply to the executive office of public safety and security to declare possession  
39 of such large capacity feeding device.

40 If an owner of a large capacity feeding device transfers the large capacity feeding device  
41 to a licensed gun dealer, such dealer shall, at the time of delivery of the large capacity feeding  
42 device, execute a certificate of transfer, and mail or deliver the certificate to the executive  
43 office of public safety and security. The certificate of transfer shall include: (1) the date of sale or  
44 transfer; (2) the name and address of the seller or transferor and the licensed gun dealer, and their  
45 social security numbers or motor vehicle operator license numbers; (3) the licensed gun dealer's  
46 federal firearms license number; and (4) a description of the large capacity feeding device. The  
47 executive office of public safety and security shall maintain a file of all certificates of transfer.

48 Any person who declared possession of a large capacity feeding device under this section  
49 may possess the large capacity feeding device only under the following conditions: (1) at that  
50 person's residence; (2) while on the premises of a target range of a public or private club or  
51 organizations organized for the purpose of practicing shooting at targets; (3) while on a target  
52 range that holds a regulatory or business license for the purpose of practicing shooting at that  
53 target range; (4) while on the premises of a licensed shooting club; and (5) while transporting the  
54 large capacity feeding device between any of the places set forth in this paragraph, or to any

55 licensed gun dealer, provided that such large capacity feeding device contains not more than 10  
56 bullets.

57 A violation of the terms of any provision of this section shall constitute a violation of the  
58 sale, transfer, or possession requirements of the first paragraph of this section.