

# HOUSE . . . . . No. 2358

## The Commonwealth of Massachusetts

PRESENTED BY:

*David Paul Linsky and Jack Patrick Lewis*

*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 updating the Massachusetts assault weapons ban.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/19/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/19/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/25/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/31/2023</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>1/31/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>2/8/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/14/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/23/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/4/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/6/2023</i>

**HOUSE . . . . . No. 2358**

By Representatives Linsky of Natick and Lewis of Framingham, a petition (accompanied by bill, House, No. 2358) of David Paul Linsky, Jack Patrick Lewis and others relative to the assault weapons ban. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

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

An Act updating the Massachusetts assault weapons ban.

*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 120 of chapter 140 of the General laws is hereby amended by  
2 striking out “Repealed” and inserting in place thereof the following:

3 Section 120. Assault weapon definitions.

4 (1) “Assault weapon” means any of the following, except as provided in subsection (2) of  
5 this subsection:

6 (A) A semiautomatic rifle that has the capacity to accept a detachable magazine, or that  
7 may be readily modified to accept a detachable magazine, and has one or more of the following:

8 (i) A pistol grip, thumbhole stock, or any other characteristic that can function as a  
9 grip;

10 (ii) Any feature capable of functioning as a protruding grip that can be held by  
11 the non-trigger hand;

12 (iii) A folding, telescoping, or detachable stock, or a stock that is otherwise foldable  
13 or adjustable in a manner that operates to reduce the length, size, or any other dimension, or  
14 otherwise enhances the concealability of the weapon;

15 (iv) A flash suppressor;

16 (v) A grenade launcher;

17 (vi) A shroud attached to the barrel, or that partially or completely encircles the barrel,  
18 allowing the bearer to hold the firearm with the non-trigger hand without being burned, but  
19 excluding a slide that encloses the barrel.

20 (B) A semiautomatic rifle that has a fixed large capacity feeding device, as defined in  
21 section 121.

22 (C) A .50 caliber rifle.

23 (D) A semiautomatic pistol that has the capacity to accept a detachable magazine, or that  
24 may be readily modified to accept a detachable magazine, if the firearm has one or more of the  
25 following:

26 A threaded barrel;

27

28 A second pistol grip, or another feature capable of functioning as a protruding grip that  
29 can be held by the non-trigger hand;

30

31 A shroud attached to the barrel, or that partially or completely encircles the barrel,  
32 allowing the bearer to hold the firearm with the non-trigger hand without being burned, but  
33 excluding a slide that encloses the barrel;

34

35 A flash suppressor;

36

37 The capacity to accept a detachable magazine at some location outside of the pistol grip;

38

39 A manufactured weight of 50 ounces or more when unloaded; or

40

41

42 A buffer tube, arm brace, or other part that protrudes horizontally behind the pistol grip  
43 and is designed or redesigned to allow or facilitate a firearm to be fired from the shoulder.

44

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46

47 (E) A semiautomatic pistol that has a fixed large capacity feeding device, as defined in

48

49 section 121.

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53 (F) Any shotgun with a revolving cylinder.

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57 (G) A semiautomatic shotgun that has one or more of the following:

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61 (i) A pistol grip, thumbhole stock, or any other characteristic that can function as a grip;

62

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64

65

66

67           (ii)     Any feature capable of functioning as a protruding grip that can be held by the  
68 non-trigger hand;

69

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71

72           (iii)    ; A folding, telescoping, or detachable stock, or a stock that is otherwise foldable or  
73 adjustable in a manner that operates to reduce the length, size, or any other dimension, or  
74 otherwise enhances the concealability of the weapon

75

76

77

78           (iv)     A grenade launcher;

79

80

81

82           (v) A fixed magazine with the capacity to accept more than five rounds; or

83

84

85

86 (vi) The capacity to accept a detachable magazine.

87

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89

90 (H) Any semiautomatic firearm that has the capacity to accept a belt ammunition feeding  
91 device.

92

93

94

95 (I) Any firearm which has been modified to be operable as an assault weapon as defined  
96 herein.

97

98

99

100 (J) Any part or combination of parts designed or intended to convert a firearm into an  
101 assault weapon, including any combination of parts from which an assault weapon may be  
102 readily assembled if those parts are in the possession or under the control of the same person.

103

104

105

106 (K) All of the following rifles, copies, duplicates, variants, or altered facsimiles with the  
107 capability of any such weapon:

108

109

110

111 (i) All AK types, including the following:

112

113 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91,  
114 SA85, SA93, Vector Arms AK-47, VEPR, WASR-10, and WUM.

115

116 (II) IZHMASH Saiga AK.

117

118 (III) MAADI AK47 and ARM.

119

120 (IV) Norinco 56S, 56S2, 84S, and 86S.

121

122 (V) Poly Technologies AK47 and AKS.

123

124 (VI) SKS with a detachable magazine.

125

126

127

128 (ii) All AR types, including the following:

129

130 (I) AR-10.

131

132 (II) AR-15.

133

134 (III) Alexander Arms Overmatch Plus 16.

135

136 (IV) Armalite M15 22LR Carbine.

137

138 (V) Armalite M15-T.

139

140 (VI) Barrett REC7.

141

142 (VII) Beretta AR-70.

143

144 (VIII) Black Rain Ordnance Recon Scout.

145

146 (IX) Bushmaster ACR.

147

148 (X) Bushmaster Carbon 15.

149

150 (XI) Bushmaster MOE series.

151

- 152 (XII) Bushmaster XM15.
- 153
- 154 (XIII) Chiappa Firearms MFour rifles.
- 155
- 156 (XIV) Colt Match Target rifles.
- 157
- 158 (XV) CORE Rifle Systems CORE15 rifles.
- 159
- 160 (XVI) Daniel Defense M4A1 rifles.
- 161
- 162 (XVII) Devil Dog Arms 15 Series rifles.
- 163
- 164 (XVIII) Diamondback DB15 rifles.
- 165
- 166 (XIX) DoubleStar AR rifles.
- 167
- 168 (XX) DPMS Tactical rifles.

169

170 (XXI) DSA Inc. ZM-4 Carbine.

171

172 (XXII) Heckler & Koch MR556.

173

174 (XXIII) High Standard HSA-15 rifles.

175

176 (XXIV) Jesse James Nomad AR-15 rifle.

177

178 (XXV) Knight's Armament SR-15.

179

180 (XXVI) Lancer L15 rifles.

181

182 (XXVII) MGI Hydra Series rifles.

183

184 (XXVIII) Mossberg MMR Tactical rifles.

185

- 186 (XXIX) Noreen Firearms BN 36 rifle.
- 187
- 188 (XXX) Olympic Arms.
- 189
- 190 (XXXI) POF USA P415.
- 191
- 192 (XXXII) Precision Firearms AR rifles.
- 193
- 194 (XXXIII) Remington R-15 rifles.
- 195
- 196 (XXXIV) Rhino Arms AR rifles.
- 197
- 198 (XXXV) Rock River Arms LAR-15 or Rock River Arms LAR-47.
- 199
- 200 (XXXVI) Sig Sauer SIG516 rifles and MCX rifles.
- 201
- 202 (XXXVII) Smith & Wesson M&P15 rifles.

203

204 (XXXVIII) Stag Arms AR rifles.

205

206 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556 rifles.

207

208 (XL) Usselton Arms Air-Lite M-4 rifles.

209

210 (XLI) "WEE1 Tactical JR-15 rifle

211

212 (XLII) Windham Weaponry AR rifles.

213

214 (XLIII) WMD Guns Big Beast.

215

216 (XLIV) Yankee Hill Machine Company, Inc. YHM-15 rifles.

217

218

219 (iii) Barrett M107A1.

220

221 (iv) Barrett M82A1.

222

223 (v) Beretta CX4 Storm.

224

225 (vi) Calico Liberty Series.

226

227 (vii) CETME Sporter.

228

229 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.

230

231 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter,  
232 PS90, SCAR, and FS2000.

233

234 (x) Feather Industries AT-9.

235

236 (xi) Galil Model AR and Model ARM.

237

- 238 (xii) Hi-Point Carbine.
- 239
- 240 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
- 241
- 242 (xiv) IWI TAVOR, Galil ACE rifle.
- 243
- 244 (xv) Kel-Tec Sub-2000, SU-16, and RFB.
- 245
- 246 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig Sauer SG 551, and SIG MCX.
- 247
- 248 (xvii) Springfield Armory SAR-48.
- 249
- 250 (xviii) Steyr AUG.
- 251
- 252 (xix) Sturm, Ruger & Co. LC Carbine
- 253
- 254 (xx) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF.

255

256 (xxi) All Thompson rifles, including the following:

257

258 (I) Thompson M1SB.

259

260 (II) Thompson T1100D.

261

262 (III) Thompson T150D.

263

264 (IV) Thompson T1B.

265

266 (V) Thompson T1B100D.

267

268 (VI) Thompson T1B50D.

269

270 (VII) Thompson T1BSB.

271

272 (VIII) Thompson T1-C.

273

274 (IX) Thompson T1D.

275

276 (X) Thompson T1SB.

277

278 (XI) Thompson T5.

279

280 (XII) Thompson T5100D.

281

282 (XIII) Thompson TM1.

283

284 (XIV) Thompson TM1C.

285

286 (xxii) UMAREX UZI rifle.

287

288 (xxiii) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine.

289

290 (xxiv) Valmet M62S, M71S, and M78.

291

292 (xxv) Vector Arms UZI Type.

293

294 (xxvi) Weaver Arms Nighthawk.

295

296 (xxvii) Wilkinson Arms Linda Carbine.

297

298

299

300 (L) All of the following pistols, copies, duplicates, variants, or altered facsimiles with the  
301 capability of any such weapon thereof:

302

303

304

305 (i) All AK types, including the following:

306

- 307 (I) Centurion 39 AK pistol.
- 308
- 309 (II) CZ Scorpion pistol.
- 310
- 311 (III) Draco AK-47 pistol.
- 312
- 313 (IV) HCR AK-47 pistol.
- 314
- 315 (V) IO Inc. Hellpup AK-47 pistol.
- 316
- 317 (VI) Krinkov pistol.
- 318
- 319 (VII) Mini Draco AK-47 pistol.
- 320
- 321 (VIII) PAP M92 pistol.
- 322
- 323 (IX) Yugo Krebs Krink pistol.

324

325

326

327 (ii) All AR types, including the following:

328

329 (I) American Spirit AR–15 pistol.

330

331 (II) Bushmaster Carbon 15 pistol.

332

333 (III) Chiappa Firearms M4 Pistol GEN II.

334

335 (IV) CORE Rifle Systems CORE15 Roscoe pistol.

336

337 (V) Daniel Defense MK18 pistol.

338

339 (VI) DoubleStar Corporation AR pistol.

340

- 341 (VII) DPMS AR-15 pistol.
- 342
- 343 (VIII) Jesse James Nomad AR-15 pistol.
- 344
- 345 (IX) Olympic Arms AR-15 pistol.
- 346
- 347 (X) Osprey Armament MK-18 pistol.
- 348
- 349 (XI) POF USA AR pistols.
- 350
- 351 (XII) Rock River Arms LAR 15 pistol.
- 352
- 353 (XIII) Usselton Arms Air-Lite M-4 pistol.
- 354
- 355
- 356
- 357 (iii) Calico pistols.

358

359 (iv) DSA SA58 PKP FAL pistol.

360

361 (v) Encom MP-9 and MP-45.

362

363 (vi) Heckler & Koch model SP-89 pistol.

364

365 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-DC9.

366

367 (viii) IWI Galil Ace pistol, UZI PRO pistol.

368

369 (ix) Kel-Tec PLR 16 pistol.

370

371 (x) All MAC types, including the following:

372

373 (I) MAC-10.

374

375 (II) MAC-11.

376

377 (III) Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol,  
378 and MPA Mini Tactical Pistol.

379

380 (IV) Military Armament Corp. Ingram M-11.

381

382 (V) Velocity Arms VMAC.

383

384 (xi) Sig Sauer P556 pistol.

385

386 (xii) Sites Spectre.

387

388 (xiii) All Thompson types, including the following:

389

390 (I) Thompson TA510D.

391

392 (II) Thompson TA5.

393

394 (xiv) All UZI types, including Micro-UZI.

395

396

397

398 (M) All of the following shotguns, copies, duplicates, variants, or altered facsimiles with  
399 the capability of any such weapon thereof:

400

401

402

403 (i) DERYA Anakon MC-1980, Anakon SD12.

404

405 (ii) Doruk Lethal shotguns.

406

407 (iii) Franchi LAW-12 and SPAS 12.

408

409 (iv) All IZHMAISH Saiga 12 types, including the following:

410

- 411 (I) IZHMASH Saiga 12.
- 412
- 413 (II) IZHMASH Saiga 12S.
- 414
- 415 (III) IZHMASH Saiga 12S EXP-01.
- 416
- 417 (IV) IZHMASH Saiga 12K.
- 418
- 419 (V) IZHMASH Saiga 12K-030.
- 420
- 421 (VI) IZHMASH Saiga 12K-040 Taktika.
- 422
- 423 (v) Streetsweeper.
- 424
- 425 (vi) Striker 12.
- 426
- 427 (2) "Assault weapon" does not include:

428

429 (A) Any weapon that has been made permanently inoperable;

430

431 (B) An antique firearm, rifle, or shotgun manufactured before 1899, or a replica of an  
432 antique;

433

434 (C) A firearm, rifle, or shotgun that is manually operated by bolt, pump, lever or slide  
435 action, unless the weapon is a shotgun with a revolving cylinder.

436

437 (3) “Detachable magazine” means an ammunition feeding device that may be removed  
438 from a firearm, rifle, or shotgun without disassembly of the firing action, including an  
439 ammunition feeding device that may be readily removed from a firearm, rifle, or shotgun with  
440 the use of a bullet, cartridge, accessory, or other tool, or any other object that functions as a tool.

441

442 (4) “Fixed magazine” means an ammunition feeding device that is permanently attached  
443 to a firearm, rifle, or shotgun, or contained in and not removable from a firearm, rifle, or  
444 shotgun, or that is otherwise not a detachable magazine, but does not include an attached tubular  
445 device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

446

447

448 (5) “.50 caliber rifle” means:

449

450 (i) A rifle capable of firing a centerfire cartridge in .50 BMG caliber, including a 12.7  
451 mm equivalent of .50 BMG and any other metric equivalent; or

452

453 (ii) A copy or duplicate of any rifle described in subparagraph (i) of this paragraph if such  
454 rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater  
455 in any combination of bullet, propellant, case or primer.

456

457 (6) The term “.50 caliber rifle” does not include any antique firearm, any shotgun  
458 including a shotgun that has a rifle barrel, or any muzzle-loader which uses black powder for  
459 hunting or historical re-enactments.

460

461 (7) The term “cartridge in .50 BMG caliber” does not include any memorabilia or display  
462 item that is filled with a permanent inert substance or that is otherwise permanently altered in a  
463 manner that prevents ready modification for use as live ammunition or shotgun ammunition.

464

465 SECTION 3. Section 121 of chapter 140 of the General Laws is hereby amended by  
466 striking out the definition of “Assault weapon” and inserting in place thereof the following  
467 definition:

468 “Assault weapon”, shall have the meaning provided in section 120.

469

470 SECTION 4. Said Section 121 of chapter 140 of the General Laws is hereby further  
471 amended by striking the definition of “Large capacity weapon”:

472

473 “Large capacity weapon”, any firearm, rifle or shotgun: (i) that is semiautomatic with a  
474 fixed large capacity feeding device; (ii) that is semiautomatic and capable of accepting, or  
475 readily modifiable to accept, any detachable large capacity feeding device; (iii) that employs a  
476 rotating cylinder capable of accepting more than ten rounds of ammunition in a rifle or firearm  
477 and more than five shotgun shells in the case of a shotgun or firearm; or (iv) that is an assault  
478 weapon. The term “large capacity weapon” shall be a secondary designation and shall apply to a  
479 weapon in addition to its primary designation as a firearm, rifle or shotgun and shall not include:  
480 (i) any weapon that was manufactured in or prior to the year 1899; (ii) any weapon that operates  
481 by manual bolt, pump, lever or slide action; (iii) any weapon that is a single-shot weapon; (iv)  
482 any weapon that has been modified so as to render it permanently inoperable or otherwise  
483 rendered permanently unable to be designated a large capacity weapon; or (v) any weapon that is  
484 an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and  
485 which is not intended for use as a functional weapon and cannot be readily modified through a  
486 combination of available parts into an operable large capacity weapon.

487

488

489           SECTION 5. Said Section 121 of chapter 140 of the General Laws is hereby amended by  
490 amending the definition of “Machine gun” as follows:

491

492           “Machine gun”, a weapon of any description, by whatever name known, loaded or  
493 unloaded, from which a number of shots or bullets may be rapidly or automatically discharged  
494 by one continuous activation of the trigger, including a submachine gun; provided, however, that  
495 “machine gun” shall include bump stocks, trigger cranks, and any other rapid-fire trigger  
496 activators.

497

498           SECTION 6. Said Section 121 of chapter 140 of the General Laws is hereby amended by  
499 inserting the following definition for “Rapid-fire trigger activator”:

500

501           “Rapid-fire trigger activator” means:

502

503           (A) Any manual, power-driven, or electronic device that is designed to and functions to  
504 increase the rate of fire of a semiautomatic firearm, rifle, or shotgun when the device is attached  
505 to the weapon;

506

507 (B) Any part of a semiautomatic firearm, rifle, or shotgun or combination of parts that is  
508 designed to and functions to increase the rate of fire of a semiautomatic firearm, rifle, or shotgun  
509 by eliminating the need for the operator of the weapon to make a separate movement for each  
510 individual function of the trigger; or

511

512 (C) Any other device, part, or combination of parts that is designed to and functions to  
513 substantially increase the rate of fire of a semiautomatic firearm, rifle, or shotgun above the  
514 standard rate of fire for semiautomatic weapons that are not equipped with that device, part, or  
515 combination of parts.

516

517 SECTION 7. Section 123 of chapter 140 of the General Laws is hereby amended by  
518 amending the Second, Seventh, Eighth, Thirteenth, Sixteenth, and Seventeenth Paragraphs as  
519 follows:

520

521 A license granted under section one hundred and twenty-two shall be expressed to be and  
522 shall be subject to the following conditions:—

523

524 . . .

525           Second, That every licensee shall, before delivery of a firearm, rifle or shotgun make or  
526 cause to be made a true, legible entry in a sales record book to be furnished by the commissioner  
527 of the department of criminal justice information services and to be kept for that purpose,  
528 specifying the complete description of the firearm, rifle or shotgun, including the make, serial  
529 number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each  
530 sale, rental or lease, the license to carry firearms number or permit to purchase number and the  
531 identification card number in the case of a firearm or the identification card number or the  
532 license to carry firearms number in the case of a rifle or shotgun, the sex, residence and  
533 occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the  
534 purchaser, renter or lessee personally to write in said sales record book his full name. Said book  
535 shall be open at all times to the inspection of the police.

536

537           ...

538

539           Seventh, That no delivery of a firearm shall be made to any person not having a license to  
540 carry firearms issued under the provisions of section one hundred and thirty-one nor shall any  
541 delivery of a rifle or shotgun or ammunition be made to any minor nor to any person not having  
542 a license to carry firearms issued under the provisions of section one hundred and thirty-one or a  
543 firearm identification card issued under the provisions of section one hundred and twenty-nine B  
544 provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit  
545 to purchase said firearm issued under the provisions of section one hundred and thirty-one A and  
546 a valid firearm identification card issued under section one hundred and twenty-nine B may be

547 made by the licensee to the purchaser's residence or place of business, subject to the restrictions  
548 imposed upon such permits as provided under section 131A.

549

550

551 Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not  
552 a permit then in force to purchase, rent or lease the same issued under section one hundred and  
553 thirty-one A, and a firearm identification card issued under the provisions of section one  
554 hundred and twenty-nine B, or unless such person has a license to carry firearms issued under  
555 the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun be sold,  
556 rented or leased to a person who has not a valid firearm identification card as provided for in  
557 section one hundred and twenty-nine B, or has a license to carry firearms as provided in section  
558 one hundred and thirty-one; and that no machine gun shall be sold, rented or leased to any  
559 person who has not a license to possess the same issued under section one hundred and thirty-  
560 one.

561

562 . . .

563 Thirteenth, That the current validity of any firearm identification card, license to carry  
564 firearms or permit to purchase, rent or lease firearms presented, and that the person presenting  
565 said card, license or permit is the lawful holder thereof, shall be verified by the licensee prior to  
566 any sale, rental or lease of a rifle, shotgun, firearm or large capacity feeding device; and, upon  
567 being presented with such card or license that is expired, suspended or revoked, the licensee shall

568 notify the licensing authority of the presentment of such expired, suspended or revoked card,  
569 license or permit; and further, the licensee may take possession of such card or license provided  
570 that, in such case, such licensee shall: (i) issue a receipt, in a form provided by the commissioner  
571 of the department of criminal justice information services, to the holder thereof which shall state  
572 that the holder's card or license is expired, suspended or revoked, was taken by such licensee and  
573 forwarded to the licensing authority by whom it was issued and such receipt shall be valid for the  
574 date of issuance for the purpose of providing immunity from prosecution under section 10 of  
575 chapter 269 for unlawfully possessing a firearm, rifle or shotgun; (ii) notify the cardholder or  
576 licensee of his requirement to renew said card or license; and (iii) forward such expired card or  
577 license to the licensing authority forthwith; provided, however, that such licensee shall be  
578 immune from civil and criminal liability for good faith compliance with the provisions herein.

579

580 . . .

581

582 Sixteenth, That no licensee shall sell, lease, rent, transfer or deliver or offer for sale,  
583 lease, rent, transfer or delivery to any person any assault weapon or large capacity feeding  
584 device, except as authorized by section 131M

585

586 Seventeenth, That any licensee from whom a rifle, shotgun, firearm or machine gun is  
587 lost or stolen shall report such loss or theft to the licensing authority and the executive director of  
588 the criminal history systems board forthwith. Such report shall include a complete description of

589 the weapon, including the make, model, serial number and caliber and whether such weapon is  
590 an assault weapon.

591

592

593 SECTION 8. Section 129B of chapter 140 of the General Laws is hereby amended by  
594 striking the term “non-large capacity” wherever it appears; replacing the term “large capacity  
595 firearm” wherever it appears with “assault weapon”; and otherwise amending subsection (6) as  
596 follows:

597 Subsection (1)(i): “. . . then the applicant’s right or ability to possess a rifle or shotgun  
598 shall be deemed restored in the commonwealth with respect to such conviction or adjudication  
599 and that conviction or adjudication shall not disqualify the applicant for a firearm identification  
600 card;”

601 Subsection (2): “If the information available to the colonel does not indicate that the  
602 possession of a rifle or shotgun by the applicant would be in violation of state or federal law.”

603

604 Subsection (6): “A firearm identification card shall not entitle a holder thereof to possess:  
605 (i) an assault weapon or large capacity feeding device, except as provided under Section 131 and  
606 131M. A firearm identification card shall not entitle a holder thereof to possess any rifle or  
607 shotgun that is, or in such manner that is, otherwise prohibited by law. A firearm identification  
608 card issued pursuant to subclause (vi) of clause (1) of section 122D, shall be valid to purchase  
609 and possess chemical mace, pepper spray or other similarly propelled liquid, gas or powder

610 designed to temporarily incapacitate. Except as otherwise provided by law , a firearm  
611 identification card shall not be valid for the use, possession, ownership, transfer, purchase, sale,  
612 lease, rental or transportation of a rifle or shotgun if such rifle or shotgun is an assault weapon as  
613 defined in section 120.”

614

615           Subsection (12): “Notwithstanding the provisions of section 10 of chapter 269, any  
616 person in possession of a rifle or shotgun whose firearm identification card issued under this  
617 section is invalid for the sole reason that it has expired, not including licenses that remain valid  
618 under paragraph (9) because the licensee applied for renewal before the license expired but who  
619 shall not be disqualified from renewal upon application therefor under this section, shall be  
620 subject to a civil fine. . .”

621

622

623           SECTION 9. Section 130 of chapter 140 of the General Laws is hereby amended as  
624 follows:

625

626           Whoever sells or furnishes a rifle, shotgun or ammunition to any alien 18 years of age or  
627 older who does not hold a permit card issued to that alien pursuant to section 131H or, except as  
628 provided in this section or section 131E, whoever sells or furnishes any alien or any person under  
629 18 years of age a rifle, shotgun, machine gun or ammunition, or whoever sells or furnishes to any  
630 person under 21 years of age a firearm or ammunition therefor shall have the license to sell

631 firearms, rifles, shotguns, machine guns or ammunition revoked and shall not be entitled to apply  
632 for such license for 10 years from the date of such revocation and shall be punished by a fine of  
633 not less than \$1,000 nor more than \$10,000, or by imprisonment in a state prison for not more  
634 than 10 years or by imprisonment in a house of correction for not more than 2½ years or by both  
635 such fine and imprisonment.

636

637

638 SECTION 10. Section 131 of chapter 140 of the General Laws is hereby amended by  
639 amending paragraphs (a), (b), (c), (e), (j), (o), and (r) as follows:

640

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

643

644 (a) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow,  
645 possess and carry: (i) firearms and feeding devices and ammunition therefor, for all lawful  
646 purposes; and (ii) rifles and shotguns and feeding devices and ammunition therefor, for all lawful  
647 purposes.

648

649 (b) The colonel of state police may, after an investigation, grant a license to a club or  
650 facility with an on-site shooting range or gallery, which club is incorporated under the laws of

651 the commonwealth for the possession, storage and use of assault weapons, ammunition therefor  
652 and large capacity feeding devices for use with such weapons on the premises of the club;  
653 provided, however, that not less than 1 shareholder of the club shall be qualified and suitable to  
654 be issued a license; and provided further, that such assault weapons and ammunition feeding  
655 devices may be used under the club license only by a member that possesses a valid firearm  
656 identification card issued pursuant to section 129B or a valid license to carry firearms, or by such  
657 other person that the club permits while under the direct supervision of a certified firearms safety  
658 instructor or club member who, in the case of a large capacity firearm, possesses a valid license  
659 to carry firearms or, in the case of a large capacity rifle or shotgun, possesses a valid license to  
660 carry firearms. The club shall not permit shooting at targets that depict human figures, human  
661 effigies, human silhouettes or any human images thereof, except by public safety personnel  
662 performing in line with their official duties.

663 No assault weapon or large capacity feeding device shall be removed from the premises  
664 except to: (i) transfer the weapon or feeding device to a licensed dealer; (ii) transport the firearm  
665 or feeding device to a licensed gunsmith for repair; (iii) target, trap or skeet shoot on the  
666 premises of another club incorporated under the laws of the commonwealth and to transport  
667 thereto; (iv) attend an exhibition or educational project or event that is sponsored by, conducted  
668 under the supervision of or approved by a public law enforcement agency or a nationally or state  
669 recognized entity that promotes proficiency in or education about semiautomatic weapons and to  
670 transport thereto and therefrom; (v) hunt pursuant to chapter 131; or (vi) surrender the weapon or  
671 feeding device pursuant to section 129D. Any assault weapon or large capacity feeding device  
672 kept on the premises of a lawfully incorporated shooting club shall, when not in use, be secured  
673 in a locked container and shall be unloaded during any lawful transport. The clerk or other

674 corporate officer of the club shall annually file a report with the colonel of state police and the  
675 commissioner of the department of criminal justice information services listing all assault  
676 weapons and large capacity feeding devices owned or possessed under the license. The colonel  
677 or a designee may inspect all firearms owned or possessed by the club upon request during  
678 regular business hours and the colonel may revoke or suspend a club license for a violation of  
679 this chapter or chapter 269 relative to the ownership, use or possession of assault weapons or  
680 large capacity feeding devices.

681

682

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

686

687

688 . . .

689

690

691 (e) Within seven days of the receipt of a completed application for a license to carry or  
692 possess firearms, or renewal of same, the licensing authority shall forward one copy of the  
693 application and one copy of the applicant's fingerprints to the colonel of state police, who shall

694 within 30 days advise the licensing authority, in writing, of any disqualifying criminal record of  
695 the applicant arising from within or without the commonwealth and whether there is reason to  
696 believe that the applicant is disqualified for any of the foregoing reasons from possessing a  
697 license to carry or possess firearms. In searching for any disqualifying history of the applicant,  
698 the colonel shall utilize, or cause to be utilized, files maintained by the department of probation  
699 and statewide and nationwide criminal justice, warrant and protection order information systems  
700 and files including, but not limited to, the National Instant Criminal Background Check System.  
701 The colonel shall inquire of the commissioner of the department of mental health relative to  
702 whether the applicant is disqualified from being so licensed. If the information available to the  
703 colonel does not indicate that the possession of a firearm by the applicant would be in violation  
704 of state or federal law, the colonel shall certify such fact, in writing, to the licensing authority  
705 within said 30 day period.

706 The licensing authority shall also make inquiries concerning the applicant to: (i) the  
707 commissioner of the department of criminal justice information services relative to any  
708 disqualifying condition and records of purchases, sales, rentals, leases and transfers of weapons  
709 or ammunition concerning the applicant; (ii) the commissioner of probation relative to any  
710 record contained within the department of probation or the statewide domestic violence record  
711 keeping system concerning the applicant; and (iii) the commissioner of the department of mental  
712 health relative to whether the applicant is a suitable person to possess firearms or is not a suitable  
713 person to possess firearms. The director or commissioner to whom the licensing authority makes  
714 such inquiry shall provide prompt and full cooperation for that purpose in any investigation of  
715 the applicant.

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

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

731

732

733           ...

734

735           (j)

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

739

740           ...

741

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

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

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

749           Clauses (i) and (ii) of this paragraph shall not apply to bump stocks, trigger cranks, and  
750 other rapid-fire trigger activators.

751

752

753           ...

754

755 (r) The secretary of the executive office of public safety or the secretary's designee may  
756 promulgate regulations to carry out the purposes of this section.

757

758

759

760 SECTION 11. Section 131K of chapter 140 of the General Laws is hereby amended by  
761 striking "or large capacity weapon, both" from the first sentence, as follows:

762

763 Any firearm as defined in section 121, sold within the commonwealth without a safety  
764 device designed to prevent the discharge of such weapon by unauthorized users and approved by  
765 the colonel of state police . . .

766

767

768

769

770 SECTION 12. Section 131F of chapter 140 of the General Laws is hereby amended as  
771 follows:

772

773           A temporary license to carry firearms, rifles or shotguns or feeding devices or  
774 ammunition therefor, within the commonwealth, shall be issued by the colonel of state police, or  
775 persons authorized by him, to a nonresident or any person not falling within the jurisdiction of a  
776 local licensing authority or to an alien that resides outside the commonwealth for purposes of  
777 firearms competition if it appears that the applicant is not a prohibited person and is not  
778 determined unsuitable to be issued a license as set forth in section 131.

779

780           Such license shall be valid for a period of one year but the colonel may renew such  
781 license if such renewal is necessary.

782

783           The colonel shall issue such license in accordance with the provisions of section 131 to  
784 any resident of the commonwealth for the purposes of sports competition.

785

786           A temporary license issued pursuant to this section shall be clearly marked “Temporary  
787 License to Carry Firearms” and shall not be used to purchase firearms in the commonwealth as  
788 provided in section 131E. The fee for an application for the license shall be \$100, which shall be  
789 payable to the licensing authority and shall not be prorated or refunded in case of revocation or  
790 denial. The licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into  
791 the general fund of the commonwealth; and \$25 of the fee shall be deposited in the Firearms  
792 Fingerprint Identity Verification Trust Fund. A license issued under the provisions of this section  
793 to a nonresident who is in the employ of a bank, public utility corporation, or a firm engaged in

794 the business of transferring monies, or business of similar nature, or a firm licensed as a private  
795 detective under the provisions of chapter one hundred and forty-seven, and whose application is  
796 endorsed by his employer, or who is a member of the armed services and is stationed within the  
797 territorial boundaries of the commonwealth and has the written consent of his commanding  
798 officer, may be issued for any term not to exceed two years, and said licenses shall expire in  
799 accordance with the provisions of section one hundred and thirty-one.

800

801

802 A license, otherwise in accordance with provisions of this section, may be issued to a  
803 nonresident employee, whose application is endorsed by his employer, of a federally licensed  
804 Massachusetts manufacturer of machine guns to possess within the commonwealth a machine  
805 gun for the purpose of transporting or testing relative to the manufacture of machine guns, and  
806 the license shall be marked “temporary license to possess a machine gun” and may be issued for  
807 any term not to exceed two years and shall expire in accordance with the provisions of section  
808 one hundred and thirty-one.

809

810

811

812 SECTION 13. Section 131M of chapter 140 of the General Laws is hereby amended as  
813 follows:

814

815           Except as provided in subsection (G):

816

817           (A) No person shall knowingly manufacture, import, purchase, sell, offer for sale,  
818 transfer ownership, or knowingly cause the manufacture, import, purchase, sale, or transfer of  
819 ownership of an assault weapon or a large capacity feeding device. Whoever violates the  
820 provisions of this subsection (A) shall be punished, for a first offense, by a fine of not less than  
821 \$1,000 nor more than \$10,000 or by imprisonment for not more than ten years, or by both such  
822 fine and imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than  
823 \$15,000 or by imprisonment for not more than 15 years, or by both such fine and imprisonment.

824

825           (B) No person shall knowingly possess a large capacity feeding device that was not  
826 otherwise lawfully possessed on September 13, 1994. A violation of this subsection (B) shall be  
827 punished, for a first offense, by a fine of not more than \$10,000 or by imprisonment for not more  
828 than one year, or by both such fine and imprisonment, and for a second offense, by a fine of not  
829 less than \$5,000 nor more than \$15,000 or by imprisonment for not more than two years, or by  
830 both such fine and imprisonment.

831

832           (C) No person shall knowingly possess an assault weapon. A person who lawfully  
833 possessed an assault weapon prior to the effective date of this Act shall not be in violation of this  
834 subsection if the person does one of the following within 120 days of the effective date of this  
835 Act:

836

837           (1) If eligible, obtain an assault weapons certification authorizing the person to remain in  
838 possession of the assault weapon;

839

840           (2) Remove the assault weapon from the Commonwealth of Massachusetts;

841

842           (3) Render the assault weapon permanently inoperable or modified such that it is no  
843 longer an assault weapon; or

844

845           (4) Transfer the assault weapon to a dealer licensed under the provisions of section 122  
846 or to a law enforcement agency.

847

848           A violation of this subsection (C) shall be punished, for a first offense, by a fine of not  
849 more than \$10,000 or by imprisonment for not more than one year, or by both such fine and  
850 imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than \$15,000  
851 or by imprisonment for not more than 5 years, or by both such fine and imprisonment.

852

853           (D) A person who lawfully possessed an assault weapon prior to the effective date of this  
854 Act may submit an application for an assault weapons certification to the Department of

855 Criminal Justice Information Services, under oath or affirmation and in a form and manner  
856 prescribed by the Department, authorizing the person to possess such an assault weapon in  
857 accordance with this section. An assault weapons certification shall not authorize a person to  
858 acquire or possess other assault weapons that the person did not lawfully possess prior to the  
859 effective date of this Act.

860

861 (E) The Department of Criminal Justice Information Services shall issue an assault  
862 weapons certification to an applicant who lawfully possessed an assault weapon prior to the  
863 effective date of this Act, if the applicant demonstrates all of the following qualifications:

864

865 (1) Is at least 21 years of age;

866

867 (2) Has a valid Firearm Identification Card or License to Carry for the assault weapon;

868

869 (3) Is not legally prohibited from possessing the firearm under Massachusetts or federal  
870 law;

871

872 (4) Provides the make, model, caliber, and serial number of any assault weapon in the  
873 applicant's possession;

874

875           (5) Acknowledges receipt of information and assent to comply with the requirements of  
876 subsection (F) regarding conditions and obligations governing the possession and use of assault  
877 weapons; and

878

879           (6) Provides any other relevant information or acknowledgement requested by the  
880 Department.

881

882           (F) A person issued an assault weapons certification may possess the assault weapon  
883 only:

884

885

886           (1) On private property owned or immediately controlled by the person;

887

888

889           (2) On private property that is not open to the public with the express permission of the  
890 person who owns or immediately controls such property;

891

892

893 (3) While on the premises of a licensed gunsmith or a dealer licensed under the  
894 provisions of for the purpose of lawful repair;

895

896 (D) While engaged in the legal use of the assault weapon at a properly licensed firing  
897 range or sport shooting competition venue;

898

899 (E) Under the circumstances authorized by subsection (G); or

900

901

902 (F) While traveling to or from these locations, provided that the assault weapon is stored  
903 unloaded in a locked container during transport.

904

905 (G) The provisions of this section shall not apply to:

906

907

908 The possession by a law enforcement officer for purposes of law enforcement;

909

910

911           The possession by an individual who is retired from service with a law enforcement  
912 agency and is not otherwise prohibited from receiving such a weapon or feeding device from  
913 such agency upon retirement.

914

915

916

917           (3) The possession of an assault weapon by a person who lawfully possessed that weapon  
918 prior to the effective date of this Act, provided the person obtains an assault weapons  
919 certification and only possesses the assault weapon in accordance with this section;

920

921

922

923           (4) The importation of a large capacity feeding device that was lawfully possessed on  
924 September 13, 1994, or of an assault weapon that was lawfully possessed prior to the effective  
925 date of this Act, if a person who lawfully owned the device or assault weapon transported the  
926 device or assault weapon into the commonwealth only for lawful purposes;

927

928

929

930 (5) The sale or transfer of an assault weapon or large capacity feeding device to a dealer  
931 licensed under the provisions of section 122 or to a law enforcement agency;

932

933

934

935 (6) Any member of the armed forces of the United States, law enforcement officer, or  
936 other government officer or agent, to the extent that such person is otherwise authorized to  
937 acquire or possess an assault weapon or large capacity feeding device, and does so while acting  
938 within the scope of their duties;

939

940

941

942 (7) A federally licensed firearms manufacturer that manufactures, sells, or transfers  
943 assault weapons or large capacity feeding devices to a law enforcement agency for use by that  
944 agency or its employees, to any branch of the armed forces of the United States, or to a military  
945 or law enforcement agency of a foreign government approved by the United States State  
946 Department;

947

948

949

950           (8) The sale or transfer of an assault weapon or large capacity feeding device by a dealer  
951 licensed under the provisions of section 122 to any branch of the armed forces of the United  
952 States, or to a law enforcement agency for use by that agency or its employees for law  
953 enforcement purposes;

954

955

956

957           (9) The temporary transfer of an assault weapon or large capacity feeding device to a  
958 licensed gunsmith or a dealer licensed under the provisions of section 122 for the purposes of  
959 maintenance, repair, or modification, and the subsequent return of the weapon or device to a  
960 lawful owner or recipient;

961

962

963

964           (10) A dealer licensed under the provisions of section 122 or a club or facility with an on-  
965 site shooting range or gallery licensed under subsection (b) of Section 131, who possesses an  
966 assault weapon or large capacity feeding device for temporary use by customers exclusively at a  
967 shooting range or gallery owned and operated by that licensed dealer, club, or facility, or the  
968 temporary possession of an assault weapon or large capacity feeding device by such customers

969 exclusively on the premises of the shooting range or gallery, provided that such conduct is not  
970 prohibited by local ordinance or other applicable law;

971

972

973

974 (11) Any federal, state or local historical society, museum, or institutional collection that  
975 is open to the public, provided that the assault weapon or large capacity feeding device is  
976 properly housed and unloaded;

977

978

979

980 (12) Possession or importation of an assault weapon or large capacity feeding device for  
981 use exclusively in an established sport shooting competition;

982

983

984

985 (13) A forensic laboratory, or any authorized agent or employee thereof, for use  
986 exclusively in the course and scope of authorized activities;

987

988

989

990 (14) An entity that operates an armored vehicle business, and an authorized employee of

991 such entity while in the course and scope of employment; or

992

993

994

995 (15) The possession of an unloaded rifle or shotgun or an unloaded large capacity feeding

996 device by a veteran's organization chartered by the Congress of the United States, chartered by

997 the commonwealth or recognized as a nonprofit tax-exempt organization by the Internal Revenue

998 Service, or by the members of any such organization when on official parade duty or during

999 ceremonial occasions. For purposes of this subparagraph, an "unloaded rifle or shotgun" and an

1000 "unloaded feeding device therefor" shall include any rifle, shotgun, or large capacity feeding

1001 device therefor loaded with a blank cartridge or blank cartridges, so-called, which contain no

1002 projectile within such blank or blanks or within the bore or chamber of such rifle or shotgun.

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1009

1010 SECTION 14. Section 131L of chapter 140 of the General Laws is hereby amended as

1011 follows:

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1014

1015 (a) It shall be unlawful to store or keep any firearm, rifle or shotgun including, but not

1016 limited to, assault weapons, or machine gun in any place unless such weapon is secured in a

1017 locked container or equipped with a tamper-resistant mechanical lock or other safety device,

1018 properly engaged so as to render such weapon inoperable by any person other than the owner or

1019 other lawfully authorized user. It shall be unlawful to store or keep any stun gun in any place

1020 unless such weapon is secured in a locked container accessible only to the owner or other

1021 lawfully authorized user. For purposes of this section, such weapon shall not be deemed stored or

1022 kept if carried by or under the control of the owner or other lawfully authorized user.

1023

1024

1025

1026 (b) A violation of this section shall be punished, in the case of a firearm, rifle or shotgun  
1027 that is not an assault weapon, by a fine of not less than \$1000 nor more than \$7,500 or by  
1028 imprisonment for not more than 1½ years or by both such fine and imprisonment and, in the case  
1029 of an assault weapon or machine gun, by a fine of not less than \$2,000 nor more than \$15,000 or  
1030 by imprisonment for not more than 12 years or by both such fine and imprisonment.

1031

1032

1033

1034 (c) A violation of this section shall be punished, in the case of a rifle or shotgun that is  
1035 not an assault weapon and the weapon was stored or kept in a place where a person younger than  
1036 18 years of age who does not possess a valid firearm identification card issued under section  
1037 129B may have access without committing an unforeseeable trespass, by a fine of not less than  
1038 \$2,500 nor more than \$15,000 or by imprisonment for not more than 12 years or by both such  
1039 fine and imprisonment.

1040

1041

1042

1043 (d) A violation of this section shall be punished, in the case of a rifle or shotgun that is an  
1044 assault weapon, firearm or machine gun that was stored or kept in a place where a person  
1045 younger than 18 years of age may have access without committing an unforeseeable trespass, by

1046 a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for not more than 15  
1047 years or by both such fine and imprisonment.

1048

1049

1050

1051 (e) A violation of the provisions of this section shall be evidence of wanton or reckless  
1052 conduct in any criminal or civil proceeding if a person under the age of 18 who was not a  
1053 trespasser or was a foreseeable trespasser acquired access to a weapon, unless such person  
1054 possessed a valid firearm identification card issued under section 129B and was permitted by law  
1055 to possess such weapon, and such access results in the personal injury to or the death of any  
1056 person.

1057

1058

1059

1060 (f) This section shall not apply to the storage or keeping of any firearm, rifle or shotgun  
1061 with matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or  
1062 prior to the year 1899, or to any replica of any such firearm, rifle or shotgun if such replica is not  
1063 designed or redesigned for using rimfire or conventional centerfire fixed ammunition.

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1069 SECTION 15. Section 131Q of chapter 140 of the General Laws is hereby amended as

1070 follows:

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1074 A firearm, rifle or shotgun, machine gun or assault weapon used to carry out a criminal

1075 act shall be traced by the licensing authority for the city or town in which the crime took place.

1076 The licensing authority shall report statistical data, when the data is readily available as

1077 determined by the chief of police, including, but not limited to: (i) the make, model, serial

1078 number and caliber of the weapon used; (ii) the type of crime committed; (iii) whether an arrest

1079 or conviction was made; (iv) whether fingerprint evidence was found on the firearm; (v) whether

1080 ballistic evidence was retrieved from the crime scene; (vi) whether the criminal use of the

1081 firearm was related to known gang activity; (vii) whether the weapon was obtained illegally;

1082 (viii) whether the weapon was lost or stolen; and (ix) whether the person using the weapon was

1083 otherwise a prohibited person.

1084

1085

1086

1087           The data shall be reported to the commonwealth fusion center or the criminal firearms  
1088 and trafficking unit within the division of investigation and intelligence in the department of state  
1089 police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce  
1090 an annual report by December 31 of each year regarding crimes committed in the commonwealth  
1091 using firearms, rifles or shotguns, machine guns or assault weapons, including all of the  
1092 categories of data contained in this section, and shall submit a copy of the report to the joint  
1093 committee on public safety and homeland security, the clerks of the house of representatives and  
1094 the senate and, upon request, to criminology, public policy and public health researchers and  
1095 other law enforcement agencies.

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1101           SECTION 16. Section 15F of chapter 265 of the General Laws is hereby amended by  
1102 replacing the term “large capacity weapon” with “assault weapon”, as follows:

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1105

1106 (a) Whoever attempts to commit an assault and battery upon another by means of  
1107 discharging a firearm, assault weapon, rifle, shotgun, sawed-off shotgun or machine gun, as  
1108 defined in section 121 of chapter 140, shall be punished by imprisonment in the state prison for  
1109 not more than 15 years or by imprisonment in the house of correction for not more than 2½ years  
1110 or by a fine of not more than \$10,000, or by both such fine and imprisonment.

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1118 SECTION 167. Section 18B of chapter 265 of the General Laws is hereby amended by  
1119 replacing the term “large capacity weapon” with “assault weapon” wherever it appears, as  
1120 follows:

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1123

1124           Whoever, while in the commission of or the attempted commission of an offense which  
1125 may be punished by imprisonment in the state prison, has in his possession or under his control a  
1126 firearm, rifle or shotgun shall, in addition to the penalty for such offense, be punished by  
1127 imprisonment in the state prison for not less than five years; provided, however, that if such  
1128 firearm, rifle or shotgun is an assault weapon, as defined in section 120 of chapter 140, or if such  
1129 person, while in the commission or attempted commission of such offense, has in his possession  
1130 or under his control a machine gun, as defined in section 121, such person shall be punished by  
1131 imprisonment in the state prison for not less than ten years. Whoever has committed an offense  
1132 which may be punished by imprisonment in the state prison and had in his possession or under  
1133 his control a firearm, rifle or shotgun including, but not limited to, an assault weapon or machine  
1134 gun and who thereafter, while in the commission or the attempted commission of a second or  
1135 subsequent offense which may be punished by imprisonment in the state prison, has in his  
1136 possession or under his control a firearm, rifle or shotgun shall, in addition to the penalty for  
1137 such offense, be punished by imprisonment in the state prison for not less than 20 years;  
1138 provided, however, that if such firearm, rifle or shotgun is an assault weapon or if such person,  
1139 while in the commission or attempted commission of such offense, has in his possession or under  
1140 his control a machine gun, such person shall be punished by imprisonment in the state prison for  
1141 not less than 25 years.

1142

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1144

1145           A sentence imposed under this section for a second or subsequent offense shall not be  
1146 reduced nor suspended, nor shall any person convicted under this section be eligible for  
1147 probation, parole, furlough or work release or receive any deduction from his sentence for good  
1148 conduct until he shall have served the minimum term of such additional sentence; provided,  
1149 however, that the commissioner of correction may, on the recommendation of the warden,  
1150 superintendent or other person in charge of a correctional institution or the administrator of a  
1151 county correctional institution, grant to such offender a temporary release in the custody of an  
1152 officer of such institution for the following purposes only: (i) to attend the funeral of a spouse or  
1153 next of kin; (ii) to visit a critically ill close relative or spouse; or (iii) to obtain emergency  
1154 medical services unavailable at such institution. Prosecutions commenced under this section shall  
1155 neither be continued without a finding nor placed on file. The provisions of section 87 of chapter  
1156 276 relative to the power of the court to place certain offenders on probation shall not apply to  
1157 any person 18 years of age or over charged with a violation of this section.

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1163           SECTION 18. Section 10 of chapter 269 of the General Laws is hereby amended by  
1164 striking paragraph (m) as follows:

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1168 (m) Section 10F of chapter 269 of the General Laws is hereby repealed:

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1172 (a) Any person who sells, keeps for sale, or offers or exposes for sale, gives or otherwise  
1173 transfers any large capacity weapon or large capacity feeding device, both as defined in section  
1174 121 of chapter 140, to a person 18 years of age or over, except as permitted under this section or  
1175 chapter 140, shall be punished by imprisonment in a state prison for not less than two and one-  
1176 half years nor more than ten years. Any person who commits a second or subsequent such crime  
1177 shall be punished by imprisonment in a state prison for not less than five years nor more than 15  
1178 years. The sentence imposed upon such person shall not be reduced to less than two and one-half  
1179 years for a first offense, nor less than five years for a second or subsequent such offense, nor  
1180 suspended, nor shall any person convicted under this subparagraph be eligible for probation,  
1181 parole, furlough, work release or receive any deduction from his sentence for good conduct until  
1182 he shall have served such minimum term of such sentence; provided, however, that the  
1183 commissioner of correction may, on the recommendation of the warden, superintendent or other  
1184 person in charge of a correctional institution or the administrator of a county correctional  
1185 institution, grant to such offender a temporary release in the custody of an officer of such  
1186 institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii)

1187 to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services  
1188 unavailable at such institution. Prosecutions commenced under this subparagraph shall neither be  
1189 continued without a finding nor placed on file. The provisions of section 87 of chapter 276  
1190 relative to the power of the court to place certain offenders on probation shall not apply to any  
1191 person 18 years of age or over charged with a violation of this subparagraph.

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1195 (b) Any person who transfers, sells, lends or gives a large capacity weapon or large  
1196 capacity feeding device to a person under the age of 18, except as permitted under the provisions  
1197 of chapter 140, shall be punished by imprisonment in a state prison for not less than five nor  
1198 more than 15 years. The sentence imposed upon such person shall not be reduced to less than  
1199 five years, nor suspended, nor shall any person convicted under this subparagraph be eligible for  
1200 probation, parole, furlough, work release or receive any deduction from his sentence for good  
1201 conduct until he has served five years of such sentence; provided, however, that the  
1202 commissioner of corrections may, on the recommendation of the warden, superintendent or other  
1203 person in charge of a correctional institution or the administrator of a county correctional  
1204 institution, grant to such offender a temporary release in the custody of an officer of such  
1205 institution for the following purposes only: (i) to attend the funeral of a spouse or next of kin; (ii)  
1206 to visit a critically ill close relative or spouse; or (iii) to obtain emergency medical services  
1207 unavailable at such institution. Prosecutions commenced under this subparagraph shall neither be  
1208 continued without a finding nor placed on file. The provisions of section 87 of chapter 276

1209 relative to the power of the court to place certain offenders on probation shall not apply to any  
1210 person 17 years of age or over charged with a violation of this subparagraph.

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1216 SECTION 20. Section 12D of chapter 269 of the General Laws is hereby amended by  
1217 replacing the term “large capacity weapon” in subsections (a) and (b) with “assault weapon”  
1218 wherever it appears, as follows:

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1222 (a) Except as exempted or provided by law, no person shall carry on their person on any  
1223 public way a loaded rifle or shotgun having cartridges or shells in either the magazine or  
1224 chamber thereof. For purposes of this section, “loaded shotgun or loaded rifle” shall mean any  
1225 shotgun or rifle having ammunition in either the magazine or chamber thereof, such ammunition  
1226 including a live cartridge, primer (igniter), bullet or propellant powder designed for use in any  
1227 firearm, rifle or shotgun and, in the case of a muzzle loading or black powder shotgun or rifle,  
1228 containing powder in the flash pan, a percussion cap and shot or ball; but the term “loaded

1229 shotgun or loaded rifle” shall not include a shotgun or rifle loaded with a blank cartridge, which  
1230 contains no projectile within such blank or within the bore or chamber of such shotgun or rifle.

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1234           Whoever violates the provisions of this subsection shall be punished by a fine of not less  
1235 than \$500 nor more than \$5,000 or by imprisonment in the house of correction for not more than  
1236 two years, or by both such fine and imprisonment, and may be arrested without a warrant;  
1237 provided, however, that if such rifle or shotgun is an assault weapon, as defined in section 121  
1238 120 of chapter 140, such person shall be punished by a fine of not less than \$1,000 nor more than  
1239 \$10,000 or by imprisonment for not nor more than ten years, or by both such fine and  
1240 imprisonment, and may be arrested without a warrant.

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1244           (b) Except as exempted or provided by law, no person shall carry on their person on any  
1245 public way an unloaded rifle or shotgun, unless such rifle or shotgun is enclosed in a case.

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1249           Whoever violates the provisions of this subsection shall be punished by a fine of not less  
1250 than \$100 nor more than \$1,000, and may be arrested without a warrant; provided, however, that  
1251 if such unloaded rifle or shotgun is an assault weapon and is carried simultaneously with a fully  
1252 or partially loaded large capacity feeding device, such person shall be punished by a fine of not  
1253 less than \$1,000 nor more than \$10,000 or by imprisonment for not less than one year nor more  
1254 than ten years, or by both such fine and imprisonment, and may be arrested without a warrant.

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1258           This subsection shall not apply to drills, parades, military reenactments or other  
1259 commemorative ceremonies, color guards or memorial service firing squads, so-called, as  
1260 permitted by law.

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1266 SECTION 21. Section 58A of chapter 276 of the General Laws is hereby amended by  
1267 replacing the term “large capacity weapon” with “assault weapon” in subsection (1), as follows:

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1271 (1) The commonwealth may move, based on dangerousness, for an order of pretrial  
1272 detention or release on conditions for a felony offense that has as an element of the offense the  
1273 use, attempted use or threatened use of physical force against the person of another or any other  
1274 felony that, by its nature, involves a substantial risk that physical force against the person of  
1275 another may result, including the crimes of burglary and arson whether or not a person has been  
1276 placed at risk thereof, or a violation of an order pursuant to section 18, 34B or 34C of chapter  
1277 208, section 32 of chapter 209, section 3, 4 or 5 of chapter 209 A or section 15 or 20 of chapter  
1278 209C, or arrested and charged with a misdemeanor or felony involving abuse as defined in  
1279 section 1 of said chapter 209A or while an order of protection issued under said chapter 209A  
1280 was in effect against such person, an offense for which a mandatory minimum term of 3 years or  
1281 more is prescribed in chapter 94C, arrested and charged with a violation of section 13B of  
1282 chapter 268 or a charge of a third or subsequent violation of section 24 of chapter 90 within 10  
1283 years of the previous conviction for such violation, or convicted of a violent crime as defined in  
1284 said section 121 of said chapter 140 for which a term of imprisonment was served and arrested  
1285 and charged with a second or subsequent offense of felony possession of a weapon or machine  
1286 gun as defined in section 121 of chapter 140, or arrested and charged with a violation of  
1287 paragraph (a), (c) or (m) of section 10 of chapter 269; provided, however, that the

1288 commonwealth may not move for an order of detention under this section based on possession of  
1289 a large capacity feeding device without simultaneous possession of an assault weapon; or  
1290 arrested and charged with a violation of section 10G of said chapter 269, section 112 of chapter  
1291 266 or section 77 or 94 of chapter 272.

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