

An Act Modernizing Firearm Laws
Caucus Summary
July 17, 2024

Licensing of Firearms

Consolidates and reorganizes current firearms licensing sections into a single unified process with consistent standards and procedures, including licenses to carry, Firearm ID Cards, and licenses to sell. Permits local licensing authorities to request prior license and permit information from the Department of Criminal Justice Information Services (DCJIS) as part of their application review. Ensures licensing authorities have access to mental health histories and any involuntary commitments of applicants.

Requires an individual to be 21 years old to own semiautomatic rifles or shotguns. 18–21-year-olds may still own and possess rifles and shotguns with a Firearm ID Card. Preserves the ability of all ages to use firearms under the direct supervision of a properly licensed adult for hunting, instruction, recreation and participation in shooting sports.

Restructures penalties for failure to report firearm loss or theft by: (i) removing \$500 minimum mandatory fine for all offenses and providing for fine of “up to \$1,000” in Court’s discretion; (ii) adding the potential for incarceration for up to six months for a second offense; and (iii) maintaining potential incarceration terms for all subsequent offenses.

License holders shall receive notice of the upcoming expiration of that license, card or permit 90 days prior to expiration.

Enables 12-15-year-olds to apply for a self-defense spray permit with parental permission. Enables 15-18-year-olds to independently apply for a self-defense spray permit.

Firearm Dealer Inspections

Allows local licensing authorities to opt-out and transfer their dealer inspection responsibilities to the Massachusetts State Police. Requires dealers to confiscate expired or suspended licenses presented to them and continues to require dealers to report them to DCJIS and the bearer’s local licensing authority.

Requires local licensing authorities to attend EOPSS trainings regarding inspection responsibilities.

Firearm Carry and Transport

Clarifies the law relating to carry and transport of firearms by: (i) defining the term “secured in a locked container” consistent with the 2013 Supreme Judicial Court holding in *Com. v. Reyes*, 464 Mass. 245 (2013), now specifically acknowledging that this includes a locked console, glovebox or trunk in an unoccupied motor vehicle; (ii) aligning ATV carry with motor vehicle carry requirements; and (iii) permitting properly licensed nonresidents to travel through the Commonwealth with securely stored, lawfully owned firearms.

Prohibited Areas

Prohibits the carrying of all firearms in government buildings, polling places and schools. Provides municipalities with the ability to opt-out their municipal buildings. Current and retired LEOSA-certified law enforcement professionals are exempt from this prohibition. Leaves unchanged the current right of private individuals and businesses to prohibit the carrying of firearms onto their private property.

Assault-Style Firearms & Large Capacity Feeding Devices

Updates the definition of assault-style firearm to: (i) include modern firearms and characteristics not contemplated by the existing ban; (ii)

codify the Attorney General’s 2016 advisory opinion on lookalike weapons; and (iii) requires EOPSS and Firearm Control Advisory Board to periodically update and publish a complete roster of banned assault-style firearms. Permits the continued ownership, possession, transfer and sale of assault-style firearms legally owned and registered in the Commonwealth as of the effective date of the Act. Restricts the transfer of legacy large capacity feeding devices.

Firearm Control Advisory Board; Rosters

Reconfigures this board to include appointees from the Attorney General, Speaker, Senate President and Massachusetts State Police. Requires board to advise the Secretary of EOPSS on which firearms should be included in the assault-style firearms roster, approved firearms roster and roster for firearms sold for formal target shooting or Olympic shooting competitions. Requires Secretary to review and update rosters at least three times a year with advice of Advisory Board.

Firearm Modifications

Adds definitions for modifications and parts that convert a semi-automatic firearm into an automatic firearm and includes these within the machine gun definition to ensure that the possession and use of devices (including bump stocks, trigger cranks, Glock switches and auto sears), are subject to the same significant penalties. Closes silencer loophole by expanding the definition of parts to cover parts in combination that can make a silencer.

Serialization & Ban of Untraceable “Ghost Guns”

Modifies the definition of “firearm” to specifically include frames and receivers (including unfinished frames and receivers that are at a stage of production where they can be readily manufactured into a finished product). Exempts antiques, curios and relics from the definition of firearm. Requires the serialization of all firearms. Provides a clear process to serialize homemade firearms. Creates specific penalties for the possession, creation and transfer of all untraceable firearms.

Updates and expands definitions of undetectable and covert firearms to encompass modern trends and technology like 3-D printed guns. Bans the sale of 3-D printers specifically marketed as capable of making firearms. Exempts pre-1968 firearms from serialization requirement.

Registration, Reporting & Tracing

Updates existing firearm reporting system into one state database for firearm registration, reporting and tracing maintained by the Department of Criminal Justice Information Services. Requires registration of firearms not appearing on existing transfer portal. Requires law enforcement to immediately report crime gun data to the state database which will automatically populate the Federal ATF system for interstate tracing purposes. Includes surrendered firearms in law enforcement reporting requirements.

Firearm Data

Expands data compilation and reporting requirements to and from the Department of Criminal Justice Information Services. Creates a publicly accessible online dashboard of anonymized aggregate firearm data to further firearms research and transparency. Creates a commission to study the collection, access and distribution of firearm data.

Harassment Prevention Order (HPO) & Extreme Risk Protective Order (ERPO)

Updates HPO’s under c. 258E to be consistent with abuse prevention orders under 209A by allowing courts to order dispossession of licenses, permits and firearms contemporaneously with the issuance of an HPO.

Enables family members, law enforcement, school administrators and licensed healthcare providers to petition a court for an ERPO based on showing that individual is a present danger to self or others and has firearms. Provides for issuance of a warrant to assist law

enforcement in the collection of a respondent's firearms if they are not surrendered within 24 hours after finding from court that respondent is currently a threat to self or others. Allows courts to enter ERPOs on unlicensed individuals, which will prohibit those individuals from legally possessing firearms.

Training

Requires State Police to promulgate uniform training curriculum and standardized test for all new applicants for a license to carry or Firearm ID Card. Curriculum will include live firearm training, and disengagement training. Requires local licensing authorities to attend EOPSS trainings regarding their licensing and reporting responsibilities. Requires dealer applicants to complete online training program about their responsibilities, business premise security and hiring and training of employees.

Violence Prevention

Establishes a special legislative commission to examine the existing government funding structure for violence prevention services in the Commonwealth, including funding sources, initiatives and programs utilized, specific services funded and communities served.

Commission is tasked with submitting a report with its findings and recommendations to the Legislature.

Establishes a Violence Prevention Federal Reinvestment Trust Fund to collect federal funds to be appropriated to violence prevention programs. Establishes a task force to review the availability of federal funding and make recommendations on how best to support community violence prevention programs.

Emerging Technology Commission

Establishes a special legislative commission to study the status, feasibility and utility of emerging firearm technology, including smart gun and microstamping technologies. Commission is tasked with

submitting a report with its findings and recommendations to the Legislature.

Punishments for Firearm Discharge at or Near a Dwelling

Updates and strengthens crime of firearm discharge within 500 feet of a dwelling without the consent of the owner. Creates a specific crime for firearm discharge that strikes a dwelling or building in use.

Intoxicated Firearm Carry

Provides a standard for hunting and carrying a firearm while intoxicated that is consistent with the standard for operating under the influence (0.08% BAC). Aligns penalties for these crimes with those for operating under the influence.