

Massachusetts State Law  
Ann. Laws of MA

Chapter 140. Sale of Firearms

**121. Definitions; application for license or identification card; exceptions.**  
In sections one hundred and twenty-two to one hundred and thirty-one J, inclusive:

**"Firearm"** shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than sixteen inches or eighteen inches in the case of a shotgun as originally manufactured, and the term **"length of barrel"** shall mean that portion of a firearm, rifle, shotgun or machinegun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber.

A **"rifle"** is a weapon having a rifled bore with a barrel length equal to or greater than sixteen inches, capable of discharging a shot or bullet for each pull of the trigger.

A **"shotgun"** is a weapon having a smooth bore with a barrel length equal to or greater than eighteen inches with an overall length equal to or greater than twenty-six inches, capable of discharging a shot or bullet for each pull of the trigger.

A **"sawed-off shotgun"** shall mean any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon as modified has one or more barrels less than eighteen inches in length or as modified has an overall length of less than twenty-six inches.

An **"imitation firearm"** shall mean any weapon which is designed, manufactured, or altered in such a way as to render it incapable of discharging a shot or bullet.

A **"machinegun"** is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a submachinegun.

The term **"ammunition"** shall mean cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun.

The term **"ammunition"** shall also mean tear gas cartridges, chemical mace, or any device or instrument which contains or emits a liquid, gas, powder, or any other substance designed to incapacitate.

The words **"purchase"** and **"sale"** include exchange;

the word **"purchaser"** shall include exchanger; and the verbs **"sell"** and **"purchase"**, in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term **"gunsmith"** as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machinegun.

The word **"conviction"** shall mean a finding or verdict of guilt, or a plea of guilty whether or not final sentence is imposed. **"Licensing Authority"** shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such authority exists, any resident or applicant may apply for such license or firearm identification card directly to the colonel of the State police and the Colonel for this purpose be the licensing authority.

**Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one, one hundred and thirty-one A, and one hundred and thirty-one B and one hundred and thirty-one E shall not apply to:**

(A) any firearm, rifle, or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle, or shotgun described in clause (A) if such replica

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine-guns.

#### **121A. Certificate of Identification of Firearm as Prima Facie Evidence, etc.**

A certificate by a ballistics expert of the department of the State police or of the city of Boston of the result of an examination made by him of an item furnished him by any police officer, signed and sworn to by such expert, shall be prima facie evidence of his findings as to whether or not the item furnished is a firearm, rifle, shotgun, machinegun, sawed off shotgun or ammunition, as defined by section one hundred and twenty-one, provided that in order to qualify as an expert under this section he shall have previously qualified as an expert in a court proceeding.

#### **122. Licenses; Application to Commissioner After Refusal of License; Fees; Penalty for Improper Issuance. (See Publisher's Note)**

The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation, grant a license to any person except an alien, a minor, a person who has been adjudicated a youthful offender, as defined in section fifty-two of chapter one hundred and nineteen, including those who have not received an adult sentence or a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machineguns, or to be in business as a gunsmith. Every license shall specify the street and number, if any, of the building where the business is to be carried on, and the license shall not protect a licensee who carries on his business in any other place. The licensing authority to whom such application is made [\* \* \* **Contact your local authority for details.**] \* \* \* \*

**123. Conditions of Licenses Granted under Sec. 122.** A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions:

**First,** That the provisions in regard to the nature of the license and the building in which the business may be carried on under it shall be strictly adhered to.

**Second,** That every licensee shall, before delivery of a firearm, rifle or shotgun, make \* \* \* entry in a sales record book to be furnished by the executive director of the criminal history systems board \* \* \* specifying the complete description of the firearm, rifle or shotgun; \* \* \* whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun; the sex, residence and occupation of the purchaser; renter or lessee; and shall before delivery \* \* \* require the purchaser, renter or lessee personally to write in said sales record book his full name \* \* \*.

**Third,** That the license or a copy thereof, certified by the official issuing the same, shall be displayed on the premises in a position where it can easily be read.

**Fourth,** That no firearm, rifle or shotgun, or machinegun shall be displayed in any outer window of said premises or in any other place where it can readily be seen from the outside.

**Fifth,** That the licensee shall, once a week, send a copy of the record of sales, rentals and leases made by him for the preceding seven days to the executive director of the criminal history systems board.

**Sixth,** That every firearm, rifle or shotgun shall be unloaded when delivered.

**Seventh,** That no delivery of a firearm shall be made to any person not having a license to carry firearms \* \* \* nor shall any delivery of a rifle or shotgun or ammunition be made to any minor nor to any person not having a license to carry firearms \* \* \* or a firearm identification card \* \* \* **provided, however,** that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm \* \* \* and a valid firearm identification card \* \* \* may be made by the licensee to the purchaser's residence or place of business.

**Eighth,** That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then in force to purchase, rent or lease the same \* \* \* and a firearm identification card, \* \* \* or unless such person has a license to carry firearms \* \* \* nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card, \* \* \* or has a license to carry firearms \* \* \* and that no machinegun shall be sold, rented or leased to any person who has not a license to possess the same \* \* \*.

**Ninth,** That upon the sale, rental or lease of a firearm, subject to a permit to purchase \* \* \* the licensee \* \* \* shall endorse upon it the date and place of said sale, rental or lease, and shall transmit the same to the Commissioner of Public Safety executive director of the criminal history systems board; and that upon the sale, rental or lease of a machinegun shall endorse upon the license to possess the same the date and place of said sale, rental or lease, and shall within seven days transmit a notice thereof to said executive director. In case of a sale \* \* \* the licensee \* \* \* shall write in the sales record book the number of the license to carry firearms \* \* \* or the number of the firearm identification card \* \* \* whichever is applicable under the provisions of condition Eighth of this section.

**Tenth,** That this license shall be subject to forfeiture as provided in section one hundred and twenty-five for breach of any of its conditions \* \* \*.

**Eleventh,** That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. \* \* \*.

**Twelfth,** That any licensee shall keep records of each sale, rental or lease of a rifle or shotgun, specifying the description of said rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction. No licensee shall sell any rifle or shotgun, contrary to the provisions of section one hundred and thirty.

Notwithstanding the provisions of this section, a person licensed under the provisions of section one hundred and twenty-two, or section one hundred and twenty-two B, may sell or transfer firearms, rifles, shotguns, machineguns or ammunition at any regular meeting of an incorporated collectors club or at a gun show open to the general public; provided, however, that all other provisions of this section are complied with and that such sale or transfer is in conformity with federal law or regulations applicable to the transfer or sale of firearms, rifles, shotguns, machineguns or ammunition.

**125. Suspension or Revocation of Licenses.** The officials authorized to issue a license under section one hundred and twenty-two, after due notice to the licensee and reasonable opportunity for him to be heard, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof or has violated any provision of this chapter, or has been convicted of a felony. The pendency of proceedings before a court shall not suspend or interfere with the power to declare a forfeiture. If the license is declared forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited. The executive director of the criminal history systems board shall be notified in writing of any forfeiture under this section.

**Publisher's Note:**

**Petition for relief, under 18 USCS § 925(c) and implementing regulations, from disabilities imposed by federal gun control laws upon persons convicted of crime. 66 ALR Fed 35.**

**126. Signs, etc., Evidence that Firearms are Kept for Sale.** If there is exposed from, maintained in or permitted to remain on any vehicle or premises any placard, sign or advertisement purporting or designed to announce that firearms, rifles, shotguns or machineguns are kept in or upon such vehicle or premises or that an occupant of any vehicle or premises is a gunsmith, it shall be prima facie evidence that firearms, rifles, shotguns or machineguns are kept in or upon such vehicle or premises for sale or that the occupant is engaged in business as a gunsmith.

**127. Transfer of Licensees.** The officials authorized to issue a license under

section one hundred and twenty-two may transfer licenses from one location to another within the city or town in which the licenses are in force, but such transfer shall be granted only to the original licensee and upon the same terms and conditions upon which the license was originally granted. The executive director of the criminal history systems board shall be notified in writing of any transfers made under this section.

**128. Penalty for Violation of License or Selling, etc., Without License.** Any licensee \* \* \* and any employee or agent of such licensee, who violates any provision of \* \* \* the second, fourth, sixth, seventh, eighth or ninth condition of said license, and except as provided in section one hundred and twenty-eight A any person who, without being licensed \* \* \* sells, rents or leases a firearm, rifle, shotgun or machinegun, or is engaged in business as a gunsmith, shall for the first offense be punished by fine \* \* \* and for any subsequent offense by imprisonment in the state prison \* \* \*. Evidence that a person sold or attempted to sell a machinegun without being licensed \* \* \* shall, in a prosecution under this section, constitute *prima facie* evidence that such person is engaged in the business of selling machineguns.

**Publisher's Note:**

**Meaning of "engage in business" under 18 USCS § 923(a), providing that no person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer with a federal license. 53 ALR Fed 932.**

**128A. Exceptions to Applicability of § 128.** The provisions of section one hundred and twenty-eight shall not apply to any person who, without being licensed as provided in section one hundred and twenty-two, sells or transfers a firearm, rifle or shotgun to a person licensed under said section one hundred and twenty-two, or to a federally licensed firearms dealer, or to a federal, state or local historical society, museum or institutional collection open to the public. The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed as provided in section one hundred and twenty-two, sells to other than a federally licensed firearms dealer or organization named above not more than four firearms, including rifles and shotguns in any one calendar year; provided, however, that the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (n), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the executive director of the criminal history systems board on

forms furnished by said executive director, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the caliber, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

**128B. Reports by Residents and Nonresidents Purchasing or Obtaining Firearms, etc.** Any resident of the commonwealth who purchases or obtains a firearm, rifle or shotgun or machinegun from any source within or without the commonwealth, other than from a licensee under section one hundred and twenty-two or a person authorized to sell firearms under section one hundred and twenty-eight A, and any nonresident of the commonwealth who purchases or obtains a firearm, rifle, shotgun or machinegun from any source within or without the commonwealth, other than such a licensee or person, and receives such firearm, rifle, shotgun or machinegun, within the commonwealth shall within seven days after receiving such firearm, rifle, shotgun or machinegun, report, in writing, to the executive director of the criminal history systems board the name and address of the seller or donor and the buyer or donee, together with a complete description of the firearm, rifle, shotgun or machinegun, including the caliber, make and serial number. Whoever violates any provision of this section shall for the first offense be punished. \* \* \* \*

**129. Penalty for Giving False Name, Information, etc.** Whoever in purchasing, renting or hiring a firearm, rifle, shotgun or machinegun, or in making application for any form of license or permit issued in connection therewith, or in requesting that work be done by a gunsmith, gives a false or fictitious name or address or knowingly offers or gives false information concerning the date or place of birth, his citizenship status, occupation, or criminal record, shall \* \* \* be punished. \* \* \*.

**Publisher's Note:**

**What constitutes receipt of firearm, under 18 USCS § 922(h), prohibiting certain persons from receiving any firearm which has been shipped or transported in interstate or foreign commerce. 74 ALR Fed 486.**

**129B. Firearm Identification Card; Application; Suspension or Revocation; Appeal; Investigation of Criminal Record and Mental Health of Applicant.** Any person residing or having a place of business within the jurisdiction of 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 application for a firearm identification card, which such person shall be entitled to, unless the applicant

(a) has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from confinement where such person was serving a sentence for a felony conviction, or (b) has been confined to any hospital or institution for mental illness except where the applicant shall submit with the application an affidavit of a

registered physician \* \* \* that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a firearm, rifle or shotgun, or

(c) has within the last five years been convicted of a violation of any state or federal narcotic or harmful drug law, or within that period has been released from confinement for such a conviction; or is or has been under treatment for or confinement for drug addiction or habitual drunkenness except when he is deemed to be cured of such condition by a registered physician, he may make application for said card after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by said physician \* \* \* that in his opinion the applicant is deemed cured, or

(d) is at the time of the application under the age of fifteen, or

(e) is at the time of the application fifteen years of age or over but under the age of eighteen except where the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card, or

(f) is an alien. \* \* \*

(g) is currently the subject of an order issued pursuant to section three B of chapter two-hundred and nine A.

(h) has within the last five years been adjudicated a youthful offender, as defined in section fifty-two of chapter one hundred and nineteen, including those who did not receive an adult sentence, or within the last five years has been released from confinement where such person was serving a sentence as a youthful offender.

Said card shall \* \* \* contain an identification number, the name and address of the holder, his place and date of birth, his height, weight, and hair and eye color, and his signature and shall be captioned "Firearm Identification Card". \* \* \* \*

Said card shall be valid until revoked or suspended. \* \* \* The card holder shall notify, in writing, both the issuing authority and the executive director of the criminal history systems board of any change in his address. Such notification shall be made within thirty days of its occurrence. \* \* \* \*

#### **Publisher's Note:**

**What constitutes receipt of firearm, under 18 USCS § 922(h), prohibiting certain persons from receiving any firearm which has been shipped or transported in interstate or foreign commerce. 74 ALR Fed 486.**

**129C. Application of sec. 129B; Ownership or Possession of Firearms or Ammunition; Transfers; Report to Commissioner; Exemptions; Exhibiting License to Carry, etc. on Demand.** No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card \* \* \*

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than

(a) by operation of law, or

(b) to an exempt person hereinafter described, or

(c) to a licensed dealer, or

(d) to a person who displays his firearm identification card, or license to carry a pistol or revolver.

A seller shall \* \* \* report all such transfers to the executive director of the criminal history systems board \* \* \* and in the case of loss, theft or recovery of any firearm, rifle, shotgun or machinegun, a similar report shall be made forthwith to both the executive director of the criminal history systems board and the licensing authority in the city or town where the owner resides.

The provisions of this section shall not apply to the following exempted persons and uses:

(a) 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;

(b) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing;

(c) To a person voluntarily surrendering a firearm, rifle or shotgun and ammunition therefor to a licensing authority, the colonel of the State police or his designee if prior written notice has been given by said person to the licensing authority or the colonel of the State police, stating the place and approximate time of said surrender;

(d) The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier;

(e) Possession by retail customers for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations, provided that the firearms, rifles or shotguns to be so used are firmly chained or affixed to the counter and that the proprietor is in possession of a firearm identification card or license to carry firearms;

(f) Possession of rifles and shotguns and ammunition therefor by nonresident hunters with valid nonresident hunting licenses during hunting season;

(g) Possession of rifles and shotguns and ammunition therefor by nonresidents while on a firing or shooting range;

(h) Possession of rifles and shotguns and ammunition therefor by nonresidents traveling in or through the commonwealth, providing that any rifles or shotguns are unloaded and enclosed in a case;

(i) Possession of rifles and shotguns by nonresidents while at a firearm showing or display organized by a regularly existing gun collectors' club association;

(j) Any new resident moving into the commonwealth, or any resident of the commonwealth upon being released from active service with any of the armed services of the United States with respect to any firearm, rifle or shotgun and ammunition therefor then in his possession, for sixty days after such release or after the time he moves into the commonwealth;

(k) Any person under the age of fifteen with respect to the use of a rifle or shotgun by such person in hunting or target shooting, provided that such use is otherwise permitted by law and is under the immediate supervision of a person holding a firearm identification card or a license to carry firearms, or 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 the performance of this duty;

**(l)** The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;

**(m)** The temporary holding, handling or firing of a firearm for examination, trial or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling or firing of a rifle or shotgun for examination, trial or instruction in the presence of a holder of a firearm identification card, or where such holding, handling or firing is for a lawful purpose;

**(n)** The transfer of a firearm, rifle or shotgun upon the death of an owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within one hundred and eighty days of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further limited period as may be necessary for the disposition of such firearm, rifle or shotgun;

**(o)** Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them;

**(p)** Carrying or possession by nonresidents of so-called black powder rifles, shotguns and ammunition therefor \* \* \* and the carrying or possession of conventional rifles, shotguns, and ammunition therefor by nonresidents who meet the requirements for such carrying or possession in the state in which they reside.

**(q)** Any nonresident who is eighteen years of age or over when acquiring a rifle, shotgun, or ammunition from a licensed firearms dealer, provided that such nonresident is in compliance with the law of the state where he resides and has the proper firearms license if required.

**(r)** Possession by a veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty and possession by the members of any such organizations when on official parade duty or ceremonial occasions;

**(s)** Possession by federal, state and local historical societies, museums and institutional collections open to the public, provided such firearms, rifles or shotguns are unloaded, properly housed and secured from unauthorized handling;

**(t)** The possession of firearms, rifles, shotguns, machineguns and ammunition, by banks or institutional lenders, or their agents, servants or employees, when the same are possessed as collateral for a secured commercial transaction or as a result of a default under a secured commercial transaction.

**(u)** Any nonresident who is eighteen years of age or older at the time of acquiring a rifle or shotgun from a licensed firearms dealer; provided, however, that such nonresident must hold a valid firearms license from his state of residence; provided, further, that the licensing requirements of such nonresident's state of residence are as stringent as the requirements of the

commonwealth for a firearm identification card as determined by the colonel of the State police who shall, annually, publish a list of those states whose requirements comply with the provisions of this clause.

The possession of a firearm identification card issued under section one hundred and twenty-nine B shall not entitle any person to carry a firearm in violation of section ten of chapter two hundred and sixty-nine. \* \* \* \*

Any person, exempted by clauses (o), (p) and (q) purchasing a rifle or shotgun or ammunition thereof shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable.

Nothing in this section shall permit the sale of rifles or shotguns or ammunition therefor to a minor under the age of eighteen in violation of section one hundred and thirty nor may any firearm be sold to a minor nor to any person who is not licensed to carry firearms under section one hundred and thirty-one unless he presents a valid firearm identification card and a permit to purchase issued under section one hundred and thirty-one A, or presents such permit to purchase and is a properly documented exempt person as hereinbefore described.

**129D. Surrender of Firearms and Ammunition to Licensing Authority Upon Denial of Application for, or Revocation of, Identification Card or License; Right to Transfer; Sale by Commissioner; Rules and Regulations.** Upon revocation, suspension or denial of an application for a firearm identification card pursuant to the conditions of section one hundred and twenty-nine B, or of any firearms license if said firearms identification card is not then in force or of any machinegun license, the person whose application was so revoked, suspended or denied shall without delay deliver or surrender, to the licensing authority where he resides, all firearms, rifles, and shotguns and machineguns and ammunition which he then possesses unless an appeal is pending. Such person, or his legal representative, shall have the right, at any time up to one year after said delivery or surrender, to transfer such firearms, rifles, and shotguns and machineguns and ammunition to any licensed dealer or any other person legally permitted to purchase or take possession of such firearms, rifles, and shotguns and machineguns and ammunition and upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within ten days deliver such firearms, rifles, and shotguns and machineguns and ammunition to the transferee or purchaser and due care shall be observed by the licensing authority in the receipt and holding of any such firearm, rifle, or shotgun or machinegun and ammunition.

\* \* \* \*

**130. Sale or Furnishing Weapons or Ammunition to Aliens or Minors; Penalty; Exceptions.** Whoever sells or furnishes a rifle, shotgun or ammunition to any alien eighteen years of age or older who does not hold a permit card issued to him under section one hundred and thirty-one H or, except as provided in this section or section one hundred and thirty-one E, whoever sells or furnishes any alien or any person under eighteen years of age a firearm, rifle, shotgun, machinegun or ammunition shall have his license to sell firearms, rifles, shotguns, machineguns and or ammunition revoked and shall not be en-

titled to apply for such license for ten years from the date of such revocation and shall be punished by a fine of not less than five hundred nor more than one thousand dollars. Nothing in this section or section one hundred and thirty-one E shall be construed to prohibit a parent or guardian from allowing his child or ward, who has not attained age fifteen, the supervised use of a rifle or shotgun or ammunition therefor, according to the provisions of section one hundred and twenty-nine C, nor from furnishing such child or ward, who has attained age fifteen, with a rifle or shotgun or ammunition; provided, however, that said child or ward, being fifteen years of age or older, has been issued a valid firearm identification card or alien permit to possess a rifle or shotgun which is in his possession. Nothing in this section shall be construed to prohibit an instructor from furnishing rifles or shotguns or ammunition therefor to pupils; provided, however, that said instructor has the consent of the parent or guardian of a pupil under the age of eighteen years.

**131. License to Carry Firearm.** The chief of police or the board or officer having control of the police in a city or town, or the colonel of the State Police, hereinafter referred to as the colonel, or persons authorized by them, respectively, shall upon request from a person residing or having a place of business within their respective jurisdiction, give an application for a license to carry firearms to such person. Said chief, board, officer or anyone authorized by them, respectively, shall within seven days of receipt of a completed application for such license, forward one copy of said applicant's fingerprints to said colonel, who shall, within thirty days, advise, in writing, the licensing authority of the criminal record, if any, of the applicant. The licensing authority shall, when it has reasonable belief that the applicant may have a history of mental, psychiatric or psychological illness which may affect his suitability to carry or possess a firearm, also make an inquiry concerning the applicant to the department of mental health within seven days of receipt of a completed application for such license. [\* \* \* Contact State authority for specifics.] \* \* \* \*

**131A. Permits to Purchase, Rent or Lease Firearms, or to Purchase Ammunition; Fee; Penalties.** A licensing authority \* \* \* upon the application of a person qualified to be granted a license thereunder by such authority, may grant to such a person, other than a minor, a permit to purchase, rent or lease a firearm \* \* \* and may revoke such permit at will. \* \* \* \*

**131B. Penalty for Loan of Money Secured by Weapons.** Whoever loans money secured by mortgage, deposit or pledge of a firearm, rifle, or shotgun or machinegun shall be punished \* \* \*

**131C. Carrying of Firearms in a Vehicle.** No person carrying a firearm or firearms under a license issued under section one hundred and thirty-one, or one hundred and thirty-one F shall carry the same in a vehicle unless such firearm or firearms while so carried therein is under the direct control of such person, and whoever violates the foregoing shall be punished by a fine of not more than one hundred dollars. \* \* \* \*

**131E. Purchase by Residents; Licensees; Firearm Identification Cards; Purchase for Use of Another; Penalties; Revocation of Licenses or Cards; Reissuance.** Any resident of the commonwealth except a person under the age of eighteen years may purchase firearms, rifles and shotguns from any dealer \* \* \* or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition from a licensee \* \* \* upon presentation of a valid license to carry firearms \* \* \* or a permit to purchase \* \* \* together with a firearm identification card \* \* \* or said permit to purchase together with proof of exempt status \* \* \* in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card, or alien permit to possess a rifle or shotgun issued to him under \* \* \* or said proof of exempt status; provided, however, that no firearm, rifle, shotgun or ammunition shall be sold to a person under the age of eighteen years. Any person who uses said license to carry firearms or firearm identification card for the purpose of purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to an unlicensed person, shall be punished \* \* \*. A conviction of a violation of this section shall be reported forthwith by the court to the licensing authority which issued the license or firearm identification card, which shall immediately revoke the license or firearm identification card of such person. No new license or firearm identification card under section \* \* \* or section \* \* \* shall be issued to any such person within two years after the date of said revocation.

**131F. Temporary License to Carry Firearms Issued to Nonresidents.**

**131F1/2. Theatrical Productions; Carrying Firearms and Blank Ammunition.** Notwithstanding the provision of subsection (a) of section ten of chapter two hundred and sixty-nine of the General Laws or any other law to the contrary, the carrying or possession of a firearm and blank ammunition therefor, during the course of any television, movie, stage or other similar theatrical production, by a person within such production, shall be authorized; provided, however, that such carrying or possession of such firearm shall be under the immediate supervision of a person licensed to carry firearms.

**131G. Certain Nonresidents Authorized to Carry Firearms in or Through the Commonwealth.**

**131H. Permit to Own or Possess Firearms by Aliens.**

**131I. Penalty for Making or Possessing Altered, Forged or Counterfeit License to Carry a Firearm or Identification Card.** Whoever falsely makes, alters, forges or counterfeits or procures or assists another to falsely make, alter, forge or counterfeit a license to carry a firearm or a firearm identification card, or whoever forges or without authority uses the signature, facsimile of the signature, or validating signature stamp of the licensing authority or its designee, or whoever possesses, utters, publishes as true or in anyway makes use of a falsely made, altered, forged or counterfeited license to carry a firearm or a firearm identification card, shall be punished by imprisonment in a state prison for not more than five years or in a jail or house of correction for not more than two years, or by a fine of not less

than five hundred dollars, or both such fine and imprisonment.

### Chapter 148. Fire Prevention

**35. Possession of Bombs and Explosives; Penalty.** No person shall have in his possession or under his control any bomb or other high explosive, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

### Chapter 266. Crimes Against Property

**102A. Possession of Infernal Machine; Notice of Seizure.** Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine," as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically and whether or not disguised so as to appear harmless. \* \* \* \*

**102B. Possession, etc., of Molotov Cocktail or Similar Device; Exceptions; Penalties.** Whoever makes, sells, uses or has in his possession or under his control a bottle or other breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than five years in the state prison or by imprisonment for not more than two and one-half years in a house of correction or both such fine and imprisonment.

The provisions of the section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose. \* \* \* \*

### Chapter 209A. Abuse Prevention

**3B. Order for Suspension and Surrender of Firearms License; Surrender of Firearms; Petition for Review; Hearing.** Upon issuance of a temporary or emergency order under section four or five of this chapter, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, order the immediate suspension and surrender of any license to carry firearms and or firearms identification card which the defendant may hold and

order the defendant to surrender all firearms, rifles, shotguns, machineguns and ammunition which he then control, owns or possesses in accordance with the provisions of this chapter and any license to carry firearms or firearms identification cards which the defendant may hold shall be surrendered to the appropriate law enforcement officials in accordance with the provisions of this chapter. Notice of such suspension and ordered surrender shall be appended to the copy of abuse prevention order served on the defendant pursuant to section seven. Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms, rifles, shotguns, machineguns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership, or possession of said defendant. Any violation of such orders shall be punishable by a fine or not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. Any defendant aggrieved by an order of surrender or suspension as described in the first sentence of this section may petition the court which issued such suspension or surrender order for a review of such action and such petition shall be heard no later than ten court business days after the receipt of the notice of the petition by the court. If said license to carry firearm or firearm identification card has been suspended upon the issuance of an order issued pursuant to section four or five, said petition may be heard contemporaneously with the hearing specified in the second sentence of the second paragraph of section four. Upon the filing of an affidavit by the defendant that a firearm, rifle shotgun, machinegun 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 two business days of receipt of such affidavit and request but only on the issue of surrender and suspension pursuant to this section.

## **Chapter 269. Crimes Against Public Peace**

\* \* \* \*

### **10. Penalty for Unlawfully Carrying Dangerous Weapons, Possessing Machinegun, etc.**

(a) Whoever, except as provided or exempted by statute, knowingly has in his possession; or knowingly has under his control in a vehicle; a firearm, loaded or unloaded, as defined in section one hundred and twenty-one of chapter one hundred and forty without either:

- (1) being present in or on his residence or place of business; or
- (2) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or
- (3) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or
- (4) having complied with the provisions of sections one hundred and twenty-nine C and one hundred and thirty-one G of chapter one hundred and forty; or
- (5) having complied as to possession of an air rifle or B.B. gun with the requirements imposed by section twelve B;

and whoever knowingly has in his possession; or knowingly has under control in a vehicle; a rifle or shotgun, loaded or unloaded, without either:

- (1) being present in or on his residence or place of business; or

- (2) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or
- (3) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or
- (4) having in effect a firearms identification card issued under section one hundred and twenty-nine B of chapter one hundred and forty; or
- (5) having complied with the requirements imposed by section one hundred and twenty-nine C of chapter one hundred and forty upon ownership or possession of rifles and shotguns; or
- (6) having complied as to possession of an air rifle or B.B. gun with the requirements imposed by section twelve B;

shall be punished by imprisonment in the state prison for not less than two and one-half years nor more than five years, or for not less than one year nor more than two and one-half years in a jail or house of correction. The sentence imposed on such person shall not be reduced to less than one year, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served one year of such sentence; **provided, however,** that the commissioner of correction may on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file.

No person having in effect a license to carry firearms for any purpose, issued under section one hundred and thirty-one or section one hundred and thirty-one F of chapter one hundred and forty shall be deemed to be in violation of this section.

**The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person seventeen years of age or older, charged with a violation of this subsection, or to any child between ages fourteen and seventeen so charged, if the court is of the opinion that the interest of the public require that he should be tried as an adult for such offense instead of being dealt with as a child.**

**The provisions of this subsection shall not affect the licensing requirements of section one hundred and twenty-nine C of chapter one hundred and forty which require every person not otherwise duly licensed or exempted to have been issued a firearms identification card in order to possess a firearm, rifle or shotgun in his residence or place of business. \* \* \* \***

(c) Whoever, except as provided by law, possesses a machinegun, as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter one hundred and forty; or whoever owns, possesses or carries on his person, or carries on his person or under his control in a vehicle, a sawed-off shotgun, as defined in said section one hundred and twenty-one of said chapter one hundred and forty, without being the holder of a valid license to carry firearms issued in accordance with the provisions of said section one hundred and thirty-one of said chapter one hundred and forty, shall be punished by im-

prisonment in the state prison for life, or for any term of years provided that any sentence imposed under the provisions of this paragraph shall be subject to the minimum requirements of subsection (a).

**(d)** Whoever, after having been convicted of any of the offenses set forth in paragraph (a), (b) or (c) commits a like offense or any other of the said offenses, shall be punished by imprisonment in the state prison for not less than five years nor more than seven years; for a third such offense, by imprisonment in the state prison for no less than seven years nor more than ten years; and for a fourth such offense, by imprisonment in the state prison for not less than ten years nor more than fifteen years. The sentence imposed upon a person, who after a conviction of an offense under paragraph (a), (b) or (c) commits the same or a like offense, shall not be suspended, nor shall any person so sentenced be eligible for probation or receive any deduction from his sentence for good conduct.

**(e)** Upon conviction of a violation of this section, the firearm or other article shall, unless otherwise ordered by the court, be confiscated by the commonwealth. The firearm or article so confiscated shall, by the authority of the written order of the court be forwarded by the common carrier to the colonel of the State Police, who, upon receipt of the same, shall notify said court or justice thereof. Said colonel may sell or destroy the same except that any firearms which may not be lawfully sold in the commonwealth shall be destroyed, and in the case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

**(f)** The court shall, if the firearm or other article was lost by or stolen from the person lawfully in possession of it, order its return to such person.

**(g)** Whoever, within this commonwealth, produces for sale, delivers or causes to be delivered, orders for delivery, sells or offers for sale, or fails to keep records regarding, any rifle or shotgun without complying with the requirement of a serial number, as provided in section one hundred and twenty-nine B of chapter one hundred and forty, shall for the first offense be punished by confinement in a jail or house of correction for not more than two and one-half years, or by a fine of not more than five hundred dollars.

**(h)** Whoever owns, possesses or transfers possession of a firearm, rifle, shotgun, or ammunition without complying with the requirements relating to the firearm identification cards provided for in section one hundred and twenty-nine C of chapter one hundred and forty shall be punished by imprisonment in a jail or house of correction for not more than two years or by a fine of not more than five hundred dollars. A second violation of this subsection shall be punished by imprisonment in a jail or house of correction for not more than two years or by a fine of not more than one thousand dollars or both. A violation of this subsection shall not be considered a lesser included offense to a violation of subsection (a), nor shall any one prosecute as a violation of this subsection the mere possession of a firearm, rifle, or shotgun by an unlicensed person not being present in or on his residence or place of business, nor shall the court allow an attempt to so prosecute. \* \* \* \*

**(i)** Whoever knowingly fails to deliver or surrender a revoked or suspended license to carry or possess firearms or machineguns issued under the provision of section one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty, or firearm identification card, or receipt for



the fee for such card, or a firearm, rifle, shotgun or machinegun, as provided in section one hundred and twenty-nine D of chapter one hundred and forty, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars.

(j) Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provision of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discarded by whatever means. \* \* \* \*

(l) The provisions of this section shall be fully applicable to any person proceeded against under section seventy-five of chapter one hundred and nineteen and convicted under section eighty-three of chapter one hundred and nineteen, **provided, however,** that nothing contained in this section shall impair, impede, or affect the power granted any court by chapter one hundred and nineteen to adjudicate a person a delinquent child, including the power so granted under section eighty-three of said chapter one hundred and nineteen.

**10A. Sale, etc., of Silencers for Firearms.** Any person, other than a federally licensed firearms manufacturer, an authorized agent of the Massachusetts criminal justice training council, or a duly authorized sworn law enforcement officer while acting within the scope of official duties and under the direct authorization of the police chief or his designee, or the colonel of the State police, who sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized law enforcement agency, or uses or possesses any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment, for not more than five years in the state prison or for not more than two and one half-years in a jail or house of correction. Nothing contained herein shall be construed to prohibit a federally licensed firearms manufacturer from selling such instrument, attachment, weapon or appliance to authorized law enforcement agencies for law enforcement purposes or to the Massachusetts criminal training council for law enforcement training. Upon conviction of a violation of this section, the instrument, attachment or other article shall be confiscated by the commonwealth and forwarded, by the authority of the written order of the court, to the colonel of the State police, who shall destroy said article.

**10E. Unlawful Sale or Distribution of Multiple Firearms; Penalties; Eligibility for Probation, Parole, Furlough or Work Release.** Whoever, except as provided by law, in a single transaction or occurrence or in a series of transactions within a twelve month period, knowingly or intentionally distributes, sells, or transfers possession of a quantity of firearms, rifles, shotguns,

machineguns, or any combination thereof, shall, if the quantity of firearms, rifles, shotguns machineguns, or any combination thereof is:

(1) Three or more, but less than ten, be punished by a term of imprisonment of not more than ten years in the state prison. No sentence imposed under the provisions of this paragraph shall be for less than a mandatory minimum term of imprisonment of three years and a fine of not more than fifty thousand dollars may be imposed but in lieu of the mandatory minimum term of imprisonment, as established herein.

(2) Ten or more, but less than twenty, be punished by a term of imprisonment of not more than ten years in the state prison. No sentence imposed under the provisions of this paragraph shall be for less than mandatory minimum term of imprisonment of five years and a fine of not more than one hundred thousand dollars may be imposed but in lieu of the mandatory minimum term of imprisonment, as established herein.

(3) Twenty or more, be punished by a term of imprisonment not less than ten years up to life imprisonment in the state prison. No sentence imposed under the provisions of this paragraph shall be for less than a mandatory minimum term of imprisonment of ten years and a fine of not more than one hundred and fifty thousand dollars may be imposed but no in lieu of the mandatory minimum term of imprisonment, as established herein.

A prosecution commenced under this section shall not be placed on file or continued without a finding, and the sentence imposed upon a person convicted of violating any provision of said section shall not be reduced to less than the mandatory minimum term of imprisonment as established in said section, nor shall any sentence of imprisonment imposed upon any person be suspended or reduced until such person shall have served said mandatory minimum term of imprisonment.

A person convicted of violating any provision of this section shall not, until he shall have served the mandatory minimum term of imprisonment established herein, be eligible for probation, parole, furlough, work release, or receive any deduction from his sentence for good conduct under sections one hundred and twenty-nine, one hundred and twenty-nine C and one hundred and twenty-nine D of chapter one hundred and twenty-seven; provided, however, that the commissioner of corrections may, on the recommendation of the warden, superintendent, or other person in charge of the correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes: to attend the funeral of a relative, to visit a critically ill relative, or to obtain emergency medical or psychiatric services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person, seventeen years of age or over, charged with a violation of said sections, or to any child between the age of fourteen and seventeen, so charged, if the court is of the opinion that the interests of the public require that he shall be tried for such offense instead of being dealt with as a child.

#### **TAMPERING WITH IDENTIFYING NUMBERS OF CERTAIN FIREARMS**

**11A. Definitions.** For the purposes of this section and sections eleven B, eleven C and eleven D, the following words shall have the following meanings:

**"Firearm"**, a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, or a rifle or shotgun.

**"Serial number"**, the number stamped or placed upon a firearm by the manufacturer in the original process of manufacture.

**"Identification number"**, the number stamped or placed upon a firearm by the colonel of the State police under authority of section eleven D.

**11B. Commission of Felony While Possessing Firearm with Removed, Defaced, etc., Serial or Identification Number.** Whoever, while in the commission or attempted commission of a felony, has in his possession or under his control a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be punished by imprisonment in the state prison for not less than two and one half nor more than five years, or in a jail or house of correction for not less than six months nor more than two and one half years. Upon a conviction of a violation of this section, said firearm or other article, by the authority of the written order of the court, shall be forwarded to the colonel of the State police, who shall cause said weapon to be destroyed.

**11C. Removing, Defacing, etc., Serial \* \* \* Number of Firearm.** Whoever, by himself or another, removes, defaces, alters, obliterates or mutilates in any manner the serial number or identification number of a firearm, or in any way participates therein, and whoever receives a firearm with knowledge that its serial number or identification number has been removed, defaced, altered, obliterated or mutilated in any manner, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not less than one month nor more than two and one half years. Possession or control of a firearm the serial number of which has been removed, defaced, altered, obliterated or mutilated in any manner 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 whatever that such number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. \* \* \* \*

**11E. Firearms Sold, etc., by Manufacturers and Dealers to Have Serial Identification Numbers; Penalty.** All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer, within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle, or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered.

No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth shall produce for sale

within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

**OFFICE OF THE DISTRICT ATTORNEY  
FOR MIDDLESEX COUNTY**

**A Summary of the Laws of the  
Commonwealth Relating to Firearms**

**A. DEFINITIONS.**

**1. "Firearm"** is defined as a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than sixteen inches, or eighteen inches in the case of a shotgun. [Chapter 140, 121.] If a gun is not capable of discharging a bullet, it will still be considered a firearm if it is capable of functioning with a relatively slight adjustment, minor repair or simple replacement. Excluded from this definition are those guns manufactured before 1899.

**2. "Sawed-off shotgun"** is defined as any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon as modified has one or more barrels less than eighteen inches in length or as modified has an overall length of less than twenty-six inches. [Chapter 140, 121.]

**3. "Machinegun"** is a weapon from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger. [Chapter 140, 121.]

**4. "Ammunition"** is defined as cartridges or cartridge cases, primers (ignitor), bullets or propellant powder designed for use in a firearm, rifle or shotgun. The definition includes tear gas cartridges, chemical mace, or any device or instrument which contains or emits a liquid, gas, powder, or any other substance designed to incapacitate. [Chapter 140, 121.]

**5. "Licensing Authority"** is the Chief of Police or the board of officers having control of the police in a city or town or their designees. [Chapter 140, 131.]

**B. FIREARM IDENTIFICATION CARD.** A person seeking a firearm identification card (FID) may apply to the licensing authority where the applicant resides or has a place of business. One who has an FID card may legally purchase guns and may possess them in his home or business. The FID card does not allow a person to carry a firearm on his person or under his control in a vehicle. The card holder must give written notice to the licensing authority and the Commissioner of Public Safety within ten days of a change of his address. [Chapter 140, 129B.]

If the FID card is suspended or revoked by the licensing authority, the cardholder must deliver the card and all guns and ammunition that he possesses to the licensing authority. A failure to do so, unless an appeal is pending, is punishable by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars. [Chapter 140, 129D]

If a gun is surrendered to the licensing authority, the Owner is entitled,

within one year, to transfer the gun to a licensed dealer or other person legally permitted to possess such weapon. [Chapter 140, 129D.]

**C. FIREARMS LICENSES.** A person who gives a false name or address or knowingly gives false information concerning his date or place of birth, citizen status, occupation, or criminal record while applying for a license or in purchasing, renting or hiring a firearm, rifle or shotgun may, for a first offense, be punished by a fine of not less than \$500 nor more than \$1,000 or imprisonment for not more than one year or both. [Chapter 140, 129.]

**D. OBTAINING GUNS OR AMMUNITION UNLAWFULLY.** Whoever purchases or obtains a firearm, rifle, shotgun, or machinegun from a person not licensed or authorized to sell guns and who does not notify the Commissioner of Public Safety in writing of the names and addresses of the seller or donor and the buyer or donee, together with a complete description of the gun, shall be punished, for a first offense, by a fine of not more than \$100. [Chapter 140, 128B.] If a license holder uses his license or FID card to purchase a firearm for the unlawful use of another, or for resale to, or giving to, an unlicensed person, he may be punished by a fine of not less than five hundred nor more than one thousand dollars, or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or both. In addition, the person's license shall be revoked and no new license or FID card may be issued to him for two years. [Chapter 140, 131E.] \* \* \* \*

**F. DEFACING SERIAL NUMBERS.** Whoever removes, defaces, alters, obliterates or mutilates in any manner, the serial number or identification number of a firearm or whoever receives a firearm with the knowledge that its serial number has been defaced may be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one month. [Chapter 269, 11C.] \* \* \* \*

**J. POSSESSION OF SILENCERS.** Whoever sells, possesses, or uses any instrument or attachment for causing the firing of any gun to be silent or intended to lessen or muffle the noise of the firing of any gun shall be punished by imprisonment for not more than five years in the State prison or for not more than two and one-half years in a jail or house of correction. [Chapter 269, 10A.]

**L. LOANING MONEY ON GUNS.** Whoever loans money secured by a mortgage, deposit, or pledge of a gun shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both. [Chapter 140, 131B.]

#### **Publisher's Note:**

The following jurisdiction restricts the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (\*) next to a name indicates another listing]

Boston (f)=Replica firearms