

HOUSE No. 1058

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 25, 1927.

The committee on Public Safety, to whom were referred so much of the recommendations of the Police Commissioner for the City of Boston (House, No. 8) as relates to the illegal possession and use of machine guns (accompanied by bill, House, No. 14), and the petition (accompanied by bill, Senate, No. 14) of William I. Hennessey for legislation to regulate the sale and possession of machine guns, so-called, report the accompanying bill (House, No. 1058).

For the committee,

HENRY ACHIN, JR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Seven.

An Act to regulate the Sale and Possession of Machine Guns, so-called.

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. Chapter one hundred and forty
2 of the General Laws, as amended in section one
3 hundred and twenty-one by section one of
4 chapter four hundred and eighty-five of the acts
5 of nineteen hundred and twenty-two, is hereby
6 further amended by striking out said section
7 one hundred and twenty-one and inserting in
8 place thereof the following:—

9 *Section 121.* In sections one hundred and
10 twenty-two to one hundred and twenty-nine,
11 inclusive, “firearms” includes a pistol, revolver
12 or other weapon of any description, loaded or un-
13 loaded, from which a shot or bullet can be dis-
14 charged and of which the length of barrel, not
15 including any revolving, detachable or magazine
16 breech, does not exceed twelve inches, and a
17 machine gun, irrespective of the length of the
18 barrel. Any gun of small arm calibre designed
19 for rapid fire and operated by a mechanism, or
20 any gun which operates automatically after the

21 first shot has been fired, either by gas action or
22 recoil action, shall be deemed to be a machine
23 gun for the purposes of said sections, and of
24 sections one hundred and thirty-one and one
25 hundred and thirty-one B. Said sections one
26 hundred and twenty-two to one hundred and
27 twenty-nine, inclusive, shall not apply to antique
28 firearms incapable of use as firearms nor to sales
29 of firearms at wholesale.

1 SECTION 2. Said chapter one hundred and
2 forty, as amended in section one hundred and
3 twenty-three by section four of said chapter four
4 hundred and eighty-five, by section one of chapter
5 two hundred and eighty-four of the acts of nine-
6 teen hundred and twenty-five, and by section
7 one of chapter three hundred and ninety-five of
8 the acts of nineteen hundred and twenty-six, is
9 hereby further amended by striking out said
10 section one hundred and twenty-three and insert-
11 ing in place thereof the following: —

12 *Section 123.* The license shall be expressed
13 to be and shall be subject to the following con-
14 ditions: First, That the provisions in regard
15 to the nature of the license and the building in
16 which the business may be carried on under it
17 shall be strictly adhered to. Second, That every
18 licensee shall before delivery of a firearm make
19 or cause to be made a true entry in a sales record
20 book to be furnished by the licensing authorities
21 and to be kept for that purpose, specifying the
22 description of the firearm, the make, number,

23 whether single barrel, magazine, revolver, pin,
24 rim or central fire, whether sold, rented or leased,
25 the date and hour of such delivery, and shall,
26 before delivery as aforesaid, require the purchaser,
27 renter or lessee personally to write in said sales
28 record book his full name, sex, residence and
29 occupation. The said book shall be open at all
30 times to the inspection of the licensing authorities
31 and of the police. Third, That the license or a
32 copy thereof, certified by the recording officer of
33 the licensing authorities or by the clerk of the
34 town by which it is issued, shall be displayed on
35 the premises in a position where it can easily be
36 read. Fourth, That no firearms shall be displayed
37 in any outer window of said premises or in any
38 other place where they can readily be seen from
39 the outside. Fifth, That the licensee shall, once
40 a week, send a copy of the record of sales, rentals
41 and leases made by him for the preceding seven
42 days to the licensing authorities and to the com-
43 missioner of public safety. Sixth, That every
44 firearm shall be delivered securely wrapped and
45 fastened and shall be unloaded when delivered.
46 Seventh, That no delivery of a pistol or revolver
47 shall be made on the day of application for the
48 purchase, rental or lease thereof, except to a
49 person having a license to carry the same, issued
50 under section one hundred and thirty-one.
51 Eighth, That no pistol or revolver shall be sold,
52 rented or leased to a person who has not a permit,
53 then in force, to purchase, rent or lease the same,
54 issued under section one hundred and thirty-one

55 A, and that no machine gun shall be sold, rented
56 or leased to a person who has not a permit to
57 possess the same, issued under section one hun-
58 dred and thirty-one. Ninth, That upon a sale,
59 rental or lease of a pistol or revolver, the licensee
60 under section one hundred and twenty-two shall
61 take up such permit and shall endorse upon it
62 the time and place of said sale, rental or lease,
63 and shall forthwith transmit the same to the
64 commissioner of public safety, and that upon
65 the sale, rental or lease of a machine gun shall
66 endorse upon the license to possess the same the
67 time and place of said sale, rental or lease, and
68 shall forthwith transmit a notice thereof to said
69 commissioner. Tenth, That the license shall be
70 subject to forfeiture as provided in section one
71 hundred and twenty-five for breach of any of its
72 conditions, and that, if the licensee is convicted
73 of a violation of any such condition, his license
74 shall thereupon become void.

1 SECTION 3. Section one hundred and thirty-
2 one of said chapter one hundred and forty, as
3 amended by section nine of chapter four hundred
4 and eighty-five of the acts of nineteen hundred
5 and twenty-two and by section four of chapter
6 two hundred and eighty-four of the acts of nine-
7 teen hundred and twenty-five, is hereby further
8 amended by inserting after the word "common-
9 wealth" in the twelfth line, the words: — or to
10 possess therein a machine gun, so called, — so
11 as to read as follows: — *Section 131.* The justice

12 of a court or a trial justice, the board of police
13 or mayor of a city, the selectmen of a town, or
14 the commissioner of public safety, or persons
15 authorized by them, may, upon the application
16 of any person residing or having a place of business
17 within the jurisdiction of the person or body
18 issuing the license, except an unnaturalized
19 person, a person who has been convicted of a
20 felony or of the unlawful use or sale of drugs or a
21 minor other than one fifteen years of age or over
22 in the employ of a bank, public utility corporation
23 or business of a similar nature whose application
24 is endorsed by his employer, issue a license to
25 such applicant to carry a pistol or revolver in the
26 commonwealth or to possess therein a machine
27 gun, so called, if it appears that he has good
28 reason to fear an injury to his person or property
29 or for any other proper purpose, and that he is
30 a suitable person to be so licensed. Such license
31 shall be issued for a term not to exceed one year,
32 but may be for a less period, and all such licenses
33 shall be revocable at the will of the person or body
34 issuing the same, who shall forthwith send written
35 notice of such revocation to the commissioner of
36 public safety. Said licenses shall be issued on
37 forms furnished by said commissioner and a copy
38 of every license so issued shall within one week
39 after the granting thereof be sent to the said
40 commissioner. Whoever issues a license in viola-
41 tion of this section shall be punished by imprison-
42 ment for not less than six months nor more than
43 two years in a jail or house of correction.

1 SECTION 4. Section one hundred and thirty-
2 one B of said chapter one hundred and forty,
3 inserted by section three of said chapter three
4 hundred and ninety-five, is hereby amended by
5 striking out the word "or" where it occurs a
6 second time in the second line, and inserting in
7 place thereof a comma, and by inserting after
8 the word "revolver" in the same line, the words:
9 — or machine gun, so called, — so as to read as
10 follows: — *Section 131B.* Whoever loans money
11 secured by mortgage, deposit or pledge of a
12 pistol, revolver or machine gun, so called, shall
13 be punished by a fine of not more than five
14 hundred dollars or by imprisonment for not more
15 than one year, or by both.

1 SECTION 5. Section ten of chapter two hun-
2 dred and sixty-nine of the General Laws, as
3 amended by section one of chapter two hundred
4 and forty-eight of the acts of nineteen hundred
5 and twenty-three and by section five of chapter
6 two hundred and eighty-four of the acts of nine-
7 teen hundred and twenty-five, is hereby further
8 amended by inserting after the word "unloaded"
9 in the third line, the words: — or possesses a
10 machine gun, as defined in section one hundred
11 and twenty-one of chapter one hundred and
12 forty, — so as to read as follows: — *Section 10.*
13 Whoever, except as provided by law, carries on
14 his person, or carries on his person or under
15 his control in a vehicle, a pistol or revolver,
16 loaded or unloaded, or possesses a machine

17 gun, as defined in section one hundred and
18 twenty-one of chapter one hundred and forty,
19 without permission under section one hundred
20 and thirty-one of chapter one hundred and forty,
21 or whoever so carries any stiletto, dagger, dirk
22 knife, slung shot, metallic knuckles or sawed
23 off shotgun, or whoever, when arrested upon a
24 warrant for an alleged crime or when arrested
25 while committing a crime or a breach or dis-
26 turbance of the public peace, is armed with,
27 or has on his person, or has on his person or
28 under his control in a vehicle, a billy or dan-
29 gerous weapon other than those herein men-
30 tioned, shall be punished by imprisonment for
31 not less than six months nor more than two and
32 one half years in a jail or house of correction or
33 for not less than two and one half years nor more
34 than five years in the state prison, and upon
35 conviction the pistol or other article shall be
36 confiscated by the commonwealth. The pistol
37 or article so confiscated shall, by the authority
38 of the written order of the court or trial justice,
39 be forwarded by common carrier to the commis-
40 sioner of public safety, who, upon receipt of the
41 same, shall notify said court or justice thereof.
42 Said commissioner may sell or destroy the same,
43 and, in case of a sale, after paying the cost of
44 forwarding the article, shall pay over the net
45 proceeds to the commonwealth.