

HOUSE No. 149

Accompanying the first recommendation of the Commissioners on Uniform State Laws (House, No. 148). Judiciary (Joint).

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Three.

An Act relating to Machine Guns, and to Make Uniform the Law with Reference Thereto.

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

1 Chapter two hundred sixty-nine of the General
2 Laws is hereby amended by adding at the end thereof
3 the following new sections: —

4 *Section 14.* "Machine Gun" applies to and in-
5 cludes a weapon of any description by whatever name
6 known, loaded or unloaded, from which more than
7 five shots or bullets may be rapidly, or automatically,
8 or semi-automatically discharged from a magazine,
9 by a single function of the firing device.

10 "Crime of Violence" applies to and includes any of
11 the following crimes or an attempt to commit any of
12 the same, namely, murder, manslaughter, kidnaping,
13 rape, mayhem, assault to do great bodily harm, rob-
14 bery, burglary (housebreaking, breaking and entering,
15 and larceny).

16 "Person" applies to and includes firm, partnership,
17 association or corporation.

18 *Section 15.* Possession or use of a machine gun in
19 the perpetration of a crime of violence is hereby de-
20 clared to be a crime punishable by imprisonment in
21 the state prison for a term of (not less than twenty
22 years).

23 *Section 16.* Possession or use of a machine gun for
24 offensive or aggressive purpose is hereby declared to
25 be a crime punishable by imprisonment in the state
26 prison for a term of (not less than ten years).

27 *Section 17.* Possession or use of any machine gun
28 shall be presumed to be for offensive or aggressive
29 purpose:

30 (a) When the machine gun is on premises not owned
31 or rented, for bona fide permanent residence or busi-
32 ness occupancy, by the person in whose possession the
33 machine gun may be found; or

34 (b) When in the possession of an unnaturalized
35 foreign-born person, or a person who has been con-
36 victed of a crime of violence in any court of record,
37 state or federal, of the United States of America, its
38 territories or insular possessions; or

39 (c) When the machine gun is of the kind described
40 in section twenty-one and has not been registered as
41 in said section required; or

42 (d) When empty or loaded pistol shells of thirty
43 (thirty inches or seven and sixty-three hundredths
44 millimeters) or larger caliber which have been or are
45 susceptible of use in the machine gun are found in the
46 immediate vicinity thereof.

47 *Section 18.* The presence of a machine gun in any
48 room, boat, or vehicle shall be evidence of the posses-
49 sion or use of the machine gun by each person occupy-
50 ing the room, boat or vehicle where the weapon is
51 found.

52 *Section 19.* Nothing contained in this act shall
53 prohibit or interfere with

54 1. The manufacture for, and sale of, machine guns
55 to the military forces or the peace officers of the
56 United States or of any political subdivision thereof,
57 or the transportation required for that purpose;

58 2. The possession of a machine gun for scientific
59 purpose, or the possession of a machine gun not
60 usable as a weapon and possessed as a curiosity,
61 ornament, or keepsake;

62 3. The possession of a machine gun other than one
63 adapted to use pistol cartridges of thirty (thirty
64 inches or seven and sixty-three hundredths milli-
65 meters) or larger caliber, for a purpose manifestly
66 not aggressive or offensive.

67 *Section 20.* Every manufacturer shall keep a
68 register of all machine guns manufactured or handled
69 by him. This register shall show the model and serial
70 number, date of manufacture, sale, loan, gift, delivery
71 or receipt, of every machine gun, the name, address,
72 and occupation of the person to whom the machine
73 gun was sold, loaned, given or delivered, or from
74 whom it was received; and the purpose for which it
75 was acquired by the person to whom the machine gun
76 was sold, loaned, given or delivered, or from whom
77 received. Upon demand every manufacturer shall
78 permit any marshal, sheriff or police officer to inspect
79 his entire stock of machine guns, parts, and supplies
80 therefor, and shall produce the register, herein re-
81 quired, for inspection. A violation of any provision
82 of this section shall be punishable by a fine of (not less
83 than one hundred dollars).

84 *Section 21.* Every machine gun now in this state

85 adapted to use pistol cartridges of thirty (thirty inches
86 or seven and sixty-three hundredths millimeters) or
87 larger caliber shall be registered in the office of the
88 (secretary of state), on the effective date of this act,
89 and annually thereafter. If acquired hereafter it shall
90 be registered within twenty-four hours after its acqui-
91 sition. Blanks for registration shall be prepared by the
92 (secretary of state), and furnished upon application.
93 To comply with this section the application as filed
94 must show the model and serial number of the gun,
95 the name, address and occupation of the person in
96 possession, and from whom and the purpose for which,
97 the gun was acquired. The registration data shall not
98 be subject to inspection by the public. Any person
99 failing to register any gun as required by this section,
100 shall be presumed to possess the same for offensive or
101 aggressive purpose.

102 *Section 22.* Warrant to search any house or place
103 and seize any machine gun adapted to use pistol
104 cartridges of thirty (thirty inches or seven and sixty-
105 three hundredths millimeters) or larger caliber pos-
106 sessed in violation of this act, may issue in the same
107 manner and under the same restrictions as provided by
108 law for the stolen property, and any court of record,
109 upon application of the (district attorney), shall have
110 jurisdiction and power to order any machine gun, thus
111 or otherwise legally seized, to be confiscated and either
112 destroyed or delivered to a peace officer of the state or
113 a political subdivision thereof.

114 *Section 23.* If any provision of this act or the
115 application thereof to any person or circumstances is
116 held invalid, such invalidity shall not affect other
117 provisions or applications of the act which can be

118 given effect without the invalid provision or applica-
119 tion, and to this end and the provisions of this act are
120 declared to be severable.

121 *Section 24.* Sections fourteen to twenty-three,
122 inclusive, shall be so interpreted and construed as to
123 effectuate their general purpose to make uniform the
124 law of those states which enact like legislation.

125 *Section 25.* Said sections fourteen to twenty-four,
126 inclusive, may be cited as the Uniform Machine Gun
127 Act.

