

HOUSE No. 843

Bill accompanying the petition of John L. Donovan and others relative to the purchase and carrying of firearms and to the licenses therefor. Legal Affairs. January 16.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fourteen.

AN ACT

Relative to Firearms and other Weapons.

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

1 SECTION 1. Section one of chapter four hundred and
2 ninety-five of the acts of the year nineteen hundred
3 and eleven is hereby amended by striking out the fol-
4 lowing sentence, "The words 'licensing board', mean
5 the mayor and city council in cities and the selectmen of
6 towns", and inserting in place thereof the following:—
7 The words "licensing board" mean the superintendent
8 or chief of police in cities and the selectmen of towns, —
9 so as to read as follows:— *Section 1.* In this act the
10 term "firearms" means a pistol, revolver or other
11 weapon of any description loaded or unloaded from which
12 a shot or bullet can be discharged and in which the length

13 of barrel, not including any revolving, detachable or
14 magazine breech, does not exceed twelve inches. The
15 words "licensing board" mean the superintendent or
16 chief of police in cities and the selectmen of towns.
17 This act shall not apply to antique firearms which are
18 incapable of use as firearms.

1 SECTION 2. The said chapter four hundred and
2 ninety-five is also amended by inserting a new section
3 after section two to be numbered section three as fol-
4 lows:— *Section 3.* The licensing board in any city or
5 town may, in its discretion, grant a license to any per-
6 son to carry firearms if it appears that the applicant has
7 good reason to fear an injury to his person or property,
8 or has some other good and sufficient reason for carrying
9 a firearm, and that he is a suitable person to be so
10 licensed. Every license so granted shall expire at mid-
11 night on the last day of the year in which it is granted
12 unless renewed for the succeeding year prior to that
13 date. No fee shall be charged for the license. The
14 license shall state the name, age and residence of the
15 licensee, and shall contain a short description of his ap-
16 pearance including his height and weight. It shall be
17 unlawful for any person not so licensed to carry or have
18 on his person a firearm as hereinbefore defined; but the
19 licensing board may grant a permit in special cases for
20 the purchase of a firearm, and a firearm may lawfully be
21 sold to anyone producing the said permit which shall be
22 retained by the vendor and forthwith returned by him to
23 the licensing authority. The permit shall not authorize
24 the carrying of the firearm, except from the place of
25 purchase to the home or place of business of the pur-
26 chaser.

1 SECTION 3. Section four of the said chapter four
2 hundred and ninety-five is hereby amended by inserting
3 after the word “ conditions”, in line two, the following
4 new condition:— First: That no firearm shall be sold,
5 rented, leased, lent, given or exchanged to or with any
6 person not having and presenting a license to carry fire-
7 arms or not having a permit to buy as above provided
8 for,— so as to read as follows:— *Section 4.* The
9 license shall be expressed to be, and shall be, subject to
10 the following conditions:— First: That no firearm shall
11 be sold, rented, leased, lent, given or exchanged to or
12 with any person not having and presenting a license to
13 carry firearms or not having a permit to buy as above
14 provided for. Second: That the provisions in regard to
15 the nature of the license, and the building in which the
16 business may be carried on under it, shall be strictly
17 adhered to. Third: That every licensee shall, before
18 delivery of a firearm, make or cause to be made a true
19 entry in a book kept for that purpose, specifying the
20 description of the firearm, the make, number, whether
21 single barrel, magazine, revolver, pin, rim, or central
22 fire, whether sold, rented or leased, the date and hour of
23 such delivery, and the full name, sex, residence and oc-
24 cupation of the purchaser, exchanger or hirer. The said
25 book shall be open at all times to the inspection of the
26 licensing board and of the police. Fourth: That the
27 license, or a copy thereof certified by the recording
28 officer of the licensing board or by the clerk of the city
29 or town by which it is issued, shall be displayed on the
30 premises in a position where it can easily be read.
31 Fifth: That no firearms shall be displayed in any outer
32 window of said premises, or in any other place where
33 they can readily be seen from the outside of said

34 premises. Sixth: That the license shall be subject to
35 forfeiture as herein provided, for breach of any of its
36 conditions; and that, if the licensee is convicted of a
37 violation of any such condition, his license shall there-
38 upon become void.

1 SECTION 4. The said chapter four hundred and
2 ninety-five is further amended by inserting a new sec-
3 tion after section eight to be numbered nine, as follows:
4 — *Section 9.* Whoever without being licensed as here-
5 inbefore provided, carries or has upon his person a fire-
6 arm, as above defined, shall be punished by imprison-
7 ment for a term not less than six months and not more
8 than two years.

1 SECTION 5. Section nine of the said chapter four
2 hundred and ninety-five is hereby amended by striking
3 out all after the word “act”, in line three, and inserting
4 in place thereof the following:— and whoever sells,
5 rents, lends, gives or exchanges a firearm to or with
6 any person not licensed as aforesaid to carry the same,
7 and not having a permit to buy as aforesaid, shall be
8 punished by imprisonment for a term of not less than
9 six months nor more than two years, and also by add-
10 ing at the end thereof, the following:— Whoever vio-
11 lates any other provision of this act shall be punished by
12 a fine of not less than five nor more than one hundred
13 dollars for each offence,— so as to read as follows:—
14 *Section 9.* Whoever without being licensed as herein-
15 before provided, sells, or exposes for sale, or has in his
16 possession with intent to sell, firearms as defined in this
17 act, and whoever sells, rents, lends, gives or exchanges
18 a firearm to or with any person not licensed as aforesaid
19 to carry the same, or not having a permit to buy as afore-

20 said, shall be punished by imprisonment for a term of
21 not less than six months nor more than two years.
22 Whoever violates any other provision of this act shall be
23 punished by a fine of not less than five nor more than
24 one hundred dollars for each offence.

1 SECTION 6. Licenses heretofore granted under the
2 provisions of the said chapter four hundred and ninety-
3 five shall expire _____ days after the passage of
4 this act.

1 SECTION 7. This act shall not apply to sales of fire-
2 arms at wholesale.

1 SECTION 8. Whoever carries or buys, sells, leases,
2 lends, gives or exchanges any stiletto, dagger, dirk-
3 knife, slung-shot, billy or metallic knuckles, shall upon
4 conviction be punished by imprisonment for a term of
5 not less than six months nor more than two years. This
6 section shall not apply to billies used, or intended to be
7 used by police officers, sheriffs, constables or night
8 watchmen.

1 SECTION 9. Chapter one hundred and seventy-two of
2 the acts of the year nineteen hundred and six, and chap-
3 ter three hundred and fifty of the acts of the year nine-
4 teen hundred and eight are hereby repealed; but this
5 repeal shall not affect any pending prosecution or pro-
6 ceeding.

1 SECTION 10. Whenever any person is convicted of
2 carrying, buying, selling, leasing, lending, giving or ex-
3 changing, contrary to law, any firearm, weapon or other
4 article, the same shall be confiscated to the use of the
5 commonwealth.

