

Substituted by the House, on motion of Mr. Flaherty of Cambridge and as amended by Messrs. Kollios of Millbury and Palumbo of Newbury, for a Bill relative to the issuance of firearms licenses (House, No. 1695, amended). June 11.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT ESTABLISHING CERTAIN STANDARDS FOR THE ISSUANCE OF FIREARM LICENSES.

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 140 of the General Laws, as appearing in the 1984
2 Official Edition, is hereby amended by striking out section 131
3 and inserting in place thereof the following section: —
4 Section 131. The chief of police or the board or officer having
5 control of the police in a city or town, or the commissioner of
6 public safety, hereinafter referred to as the commissioner, or
7 persons authorized by them, respectively, shall upon request from
8 a person residing or having a place of business within their
9 respective jurisdiction, give an application for a license to carry
10 firearms to such person. Said chief, board, officer or anyone
11 authorized by them, respectively, shall within seven days of receipt
12 of a completed application for such license, forward one copy of
13 said applicant's fingerprints to said commissioner, who shall,
14 within thirty days, advise, in writing, the licensing authority of
15 the criminal record, if any, of the applicant. The licensing
16 authority may, when in doubt about the validity of the applicant's
17 negative or positive statement relative to the past history of any
18 mental, psychiatric, or psychological problems, also make
19 inquiries concerning the applicant to the department of mental
20 health for the purpose of determining eligibility for such license
21 and said department shall give prompt and full cooperation from

22 such department for such purpose in any investigation of the
23 applicant by such licensing authority.

24 After such investigation has been completed, said chief, board,
25 officer, commissioner, or anyone authorized by them, respec-
26 tively, may, except for an alien whose license to carry firearms
27 may only be issued under the provisions of section one hundred
28 and thirty-one F, a person who has been convicted of a felony
29 or the unlawful use, possession or sale of a narcotic or harmful
30 drugs, or a minor under the age of eighteen, issue to a person
31 residing or having a place of business within their respective
32 jurisdiction, a license to carry firearms in the commonwealth if
33 it appears that the applicant is a suitable person to be so licensed,
34 and that the applicant has good reason to fear injury to his or
35 her person or property, or for any other proper purpose, including
36 the carrying of firearms for use in target practice only.

37 An application for a license under this section shall be designed
38 and provided by said commissioner to all authorized licensing
39 authorities within the commonwealth. Said application shall be
40 on a standard form and contain the following: applicant's name,
41 residential address, business address, occupation, birth date, birth
42 place, parent's names, social security number, and signature, date
43 application submitted; applicant's physical description including,
44 but not limited to, height, weight, color of hair and eyes, and any
45 distinguishing physical features; citizenship; criminal record;
46 arrest record; mental, psychiatric or psychological history;
47 previous firearm experience, applications or licenses; military
48 record; alcohol, drug or substance use or abuse; two personal
49 references other than applicant's relatives or police officers; reason
50 for applying; and any other questions or statements said
51 commissioner deems necessary to evaluate the applicant.

52 An applicant for a license or a renewal of a license under this
53 section shall be notified by the licensing authority, in writing,
54 within forty days of submitting said application, of either approval
55 or denial and in the case of denial, such notice shall state either
56 or both of the following:

57 (1) the reason that the applicant does not appear to be a suitable
58 person to be so licensed and such reasons may include, but are
59 not limited to, the following: abuse or illegal use of alcohol or
60 drugs; exhibition of violent behavior or threats; past history of

61 mental, psychiatric or psychological problems; failure to
62 demonstrate sufficient knowledge in the proficient use and proper
63 handling of firearms; violation of any firearm law; misuse of a
64 firearm;

65 (2) that the applicant does not appear to have a valid reason
66 for requesting a license to carry firearms and such reasons may
67 include, but are not limited to, the following: if the applicant has
68 applied because of fear of injury to his or her person or property,
69 that the applicant does not appear to have a good reason to fear
70 injury to his or her person or property, or that the applicant does
71 not have any other proper purpose for carrying a firearm,
72 including the carrying of a firearm for use in target practice only.

73 Any person denied a license or a renewal of a license under this
74 section, or any person who has not received a reply from the
75 licensing authority within forty days of submitting said
76 application, may, within either forty-five days of receiving
77 notification of denial or within forty-five days after the expiration
78 of the time limit in which the licensing authority is required to
79 respond to the applicant, file a petition to obtain judicial review
80 in the district court having jurisdiction in the city or town wherein
81 the applicant filed for said license; and a justice of said court, after
82 having heard all of the facts, may direct that a license be issued
83 the applicant, if he is satisfied that the applicant was not
84 prohibited by law from holding the same. In the case of a person
85 who has not received a reply from the licensing authority within
86 forty days, the justice of said court may, if the licensing authority
87 did not have sufficient reason for not replying in said forty days,
88 fine said licensing authority one hundred dollars.

89 Any person who files an application with any intentional false
90 answer to the questions on the application shall be punished by
91 a fine of not less than five hundred nor more than one thousand
92 dollars and by imprisonment for not less than six months nor more
93 than two years in a jail or house of correction.

94 The commissioner is hereby directed to furnish a license form
95 to all licensing authorities that shall contain blank spaces for such
96 information as the commissioner deems necessary for proper
97 identification of the licensee including, but not limited to, a
98 licensee's birth date and place, name, picture, fingerprint, height,
99 weight, hair and eye color, residential and business addresses,

100 license purpose, signature, and said form shall be captioned
101 "License to Carry Firearms". The license form furnished by the
102 commissioner shall contain in bold faced type on the face thereof
103 that a license holder has the obligation to give written notice by
104 certified mail within ten days of a change of address to the
105 authority who issued said license, the chief of police into whose
106 jurisdiction the license holder moves, and the commissioner of
107 public safety. Failure to so notify may be cause for revocation
108 of said license.

109 A license issued to carry a firearm shall be for a period of five
110 years, expiring on the anniversary of the applicant's date of birth
111 occurring not less than four years but not more than five years
112 from the date of issue. Any renewal thereof shall expire on the
113 anniversary of the applicant's date of birth occurring not less than
114 four years but not more than five years after the effective date
115 of such license. Any license issued to an applicant born on
116 February twenty-ninth, for the purpose of this section, shall expire
117 on March first.

118 The commissioner shall send by first class mail to the holder
119 of each such license to carry firearms, a notice of the expiration
120 of his or her license not less than ninety days prior to such
121 expiration, and shall enclose therein a form for renewal of said
122 license. The taking of fingerprints shall not be required in issuing
123 the renewal of a license if the renewal applicant's fingerprints are
124 on file with the commissioner.

125 For the purposes of the provisions of section ten of chapter two
126 hundred and sixty-nine, an expired license to carry firearms shall
127 be deemed to be valid for a period not to exceed ninety days
128 beyond the date of expiration, except that this provision shall not
129 apply to any such license to carry firearms which has been revoked
130 or relative to which revocation is pending.

131 The fee for such license or a renewal of a license shall be ten
132 dollars, and shall be payable in a manner prescribed by the
133 licensing authority or commissioner and shall not be prorated or
134 refunded in case of revocation.

135 Notwithstanding other provisions of this section, no license
136 shall be required for the possession or carrying of a firearm known
137 as a detonator and commonly used on motor vehicles as a

138 signalling and marketing device, when carried or possessed for
139 such signalling and marking purposes.

140 Whoever, knowingly, issues a license in violation of this section
141 shall be punished by a fine of not less than five hundred nor more
142 than one thousand dollars and by imprisonment for not less than
143 six months nor more than two years in a jail or house of correction;
144 however, where a license is otherwise lawfully issued under the
145 provisions of this section, the issuing authority or his designee
146 shall be immune from civil or criminal liability for the unlawful
147 or negligent acts of such licensee.

148 Any license holder shall notify, in writing, the authority who
149 issued said license, the chief of police into whose jurisdiction the
150 license holder moves, and the commissioner of any change in his
151 or her addresses. Such notification shall be made by certified mail
152 within ten days of its occurrence.

153 All such licenses to carry firearms shall be revocable for cause
154 at the will of the authority issuing the same, who shall forthwith
155 send written notice stating the reason that said license is being
156 revoked by hand or any other means necessary to effectuate
157 notification to the licensee and commissioner. Any such
158 revocation shall be carried out in the same manner as provided
159 in section one hundred twenty-nine D.

160 Any person whose license is so revoked, may within forty-five
161 days of notification of said revocation, file a petition to obtain
162 judicial review in the district court having jurisdiction in the city
163 or town wherein the applicant held said license, and a justice of
164 said court, after having heard all of the facts, may direct the license
165 be reinstated if he is satisfied that there was no reasonable ground
166 for revoking said license.

167 No provision of this section shall automatically authorize the
168 issuance of a license or permit for anyone to carry or possess a
169 machine gun. All persons shall be prohibited from carrying or
170 possessing a machine gun in the commonwealth of Massachusetts,
171 except military personnel, police officers or persons employed as
172 security guards.

173 Notwithstanding the provisions of the preceding paragraph, the
174 commissioner of public safety shall establish guidelines for the
175 issuance of licenses for the possession of machine guns to certain
176 persons who are collectors of firearms.



