



Massachusetts

Summary of State Firearms Law

Last Updated January 11, 2011

Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Massachusetts ranked third out of 50 – having enacted some of the strongest gun violence prevention laws in the nation. Among other things, Massachusetts:

- Requires any person who sells, rents or leases a firearm to obtain a [state dealer license](#) (unlicensed sellers may transfer no more than 4 firearms per year);
- Bans most [assault weapons](#) and [large capacity ammunition magazines](#), but not [50 caliber rifles](#);
- Requires all [firearm purchasers to obtain a license](#);
- Prohibits the sale of “[unsafe handguns](#)” not on the roster of approved handguns; and
- Maintains permanent [records of firearm sales](#).

However, Massachusetts does not:

- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) on firearm purchases, although the purchaser must hold a valid [license](#); or
- Require [unlicensed firearm sellers to conduct a background check](#) on the purchaser, although they must ensure that the purchaser holds a valid [license](#).

Local governments in Massachusetts retain [authority to regulate firearms and ammunition](#), and the local licensing authority in Massachusetts has discretion in determining whether to issue a [license to carry a firearm](#).

Massachusetts Statistics

Gun Deaths

Massachusetts has the third lowest number of gun deaths per capita among the states. In 2007, 235 people died from firearm-related injuries in Massachusetts.¹

Crime Guns

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). In 2007, [Massachusetts](#) supplied the fourth lowest number of crime guns to other states per capita. The national crime gun export rate is almost four times the crime gun export rate in Massachusetts. In addition, the portion of crime guns that Massachusetts imports from other states is more than twice the national average. Massachusetts imports 2.9 times as many crime guns as it exports.²

Number of Federally Licensed Firearms Dealers

There are 382 federally licensed firearms dealers and pawnbrokers in Massachusetts.³

¹ National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007* (2010), at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html.

² Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (September 2010), at <http://www.tracetheguns.org/report.pdf>.

³ U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (October 2010), at <http://www.atf.gov/about/foia/ffl-list.html>.

Massachusetts “Right to Bear Arms”

Massachusetts’s constitution provides a right to keep and bear arms “for the common defence,” but permits gun regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

Local Authority to Regulate Firearms in Massachusetts

In Massachusetts, ordinances enacted pursuant to the police power are valid unless they expressly or impliedly conflict with state law. See [LCAV's State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

State Firearms Policies in Massachusetts

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

Persons Prohibited from Firearm Possession

Massachusetts Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Massachusetts requires any prospective purchaser of a firearm to obtain a license. These licenses may not be issued to any person who:

- Has been convicted of (or adjudicated as a youthful offender or delinquent child for the commission of) a:
 - Felony;
 - Misdemeanor punishable by imprisonment for more than two years;
 - Violent crime as defined by Massachusetts law to include only crimes punishable by a term exceeding one year, or certain acts of juvenile delinquency;
 - Violation of any law regulating the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or
 - Violation of any law regulating the use, possession or sale of controlled substances.
- Has been confined to any hospital or institution for mental illness, unless the applicant submits a physician's affidavit attesting that he or she is familiar with the applicant and that the applicant is not disabled by such an illness in a manner that would prevent him or her from possessing a firearm;
- Is or has been under treatment or confinement for drug addiction or habitual drunkenness unless the applicant is deemed to be cured of such condition by a licensed physician, in which case he or she may make application for a license after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by the physician to the effect that the physician knows the applicant's history of treatment and that in the physician's opinion the applicant is deemed cured;
- Is an alien;
- Is currently subject to orders for suspension or surrender of firearms because of domestic abuse, or permanent or temporary protection orders; or

- Is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction.⁴

For information on the background check process used to enforce these provisions, see the [Massachusetts Background Checks](#) section. For more information about the Massachusetts licensing scheme, see the [Massachusetts Licensing of Gun Owners or Purchasers](#) section.

⁴ [Mass. Gen. Laws ch. 140, §§ 129B\(1\), and 131\(d\)](#).

Massachusetts Minimum Age to Purchase / Possess

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

In Massachusetts, generally no one under 18 years of age may purchase a firearm or ammunition, and no one under 21 years of age may purchase a handgun, large capacity weapon or large capacity feeding device.⁵ See exceptions below for holders of Firearm Identification Cards (FIDs).

Any person selling or furnishing a rifle, shotgun, machine gun or ammunition to any person under age 18 is criminally liable for a felony, as is any person selling or furnishing a handgun or large capacity rifle or shotgun or ammunition for those firearms to anyone under age 21.⁶

Persons "more than 15 but less than 18 years of age" may apply for a FID if the applicant submits a certificate from his or her parent or guardian granting the applicant permission to apply for a FID.⁷ This exception allows persons 16 years of age and older to possess rifles and shotguns. In addition, any person under the age of 15 may use a rifle or shotgun for hunting or target shooting, provided that such use is otherwise permitted by law and is under the immediate supervision of a person holding a FID or a license to carry firearms, or who is a duly commissioned member of the military while in the performance of his or her duty.⁸ No hunting or sporting license may be granted to a minor under age 15.⁹ Applicants for a Class A or B license must be at least 21 years of age.¹⁰

⁵ [Mass. Gen. Laws ch. 140, §§ 130, 131E\(a\)](#).

⁶ [Mass. Gen. Laws ch. 140, § 130](#).

⁷ [Mass. Gen. Laws ch. 140, § 129B\(1\)\(vi\)](#).

⁸ [Mass. Gen. Laws ch. 140, § 129C\(k\)](#).

⁹ [Mass. Gen. Laws ch. 131, § 14](#).

¹⁰ [Mass. Gen. Laws ch. 140, § 131\(d\)\(iv\)](#).

Domestic Violence and Firearms in Massachusetts

Massachusetts law does **not** prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition, or require courts to notify these domestic abusers that they are prohibited from possessing firearms or ammunition under [federal law](#).

Massachusetts law does, however, prohibit any person from possessing a firearm or ammunition unless he or she has been issued a firearm identification card,¹¹ and prevents the licensing authority from issuing a firearm identification card to an applicant who is currently subject to a permanent or temporary protection order protecting an adult or minor family or household member of the applicant from abuse.¹² The term "family or household members" includes persons who:

- Are or were married to one another;
- Are or were residing together in the same household;
- Are or were related by blood or marriage;
- Having a child in common regardless of whether they have ever married or lived together; or
- Are or have been in a substantive dating or engagement relationship, which shall be adjudged by consideration of the following factors:
 - The length of time of the relationship;
 - The type of relationship;
 - The frequency of interaction between the parties; and
 - If the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.¹³

Massachusetts law requires a court that is issuing a temporary or emergency protection order (an order that a court can issue immediately upon the filing of a complaint by a family or household member who seeks protection from abuse) to order the immediate suspension and surrender of any license to carry firearms or firearms identification card which the defendant may hold and order the defendant to surrender all firearms and ammunition which he or she possesses to the appropriate law enforcement official.¹⁴ However, this requirement only applies if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse.¹⁵ Law enforcement officials who are serving such orders must immediately take possession of all such firearms, ammunition, licenses, and identification cards.¹⁶

Massachusetts law requires any law enforcement officer who has reason to believe that a family or household member has been abused or is in danger of being abused to use all reasonable means to prevent further abuse.¹⁷ Massachusetts law does not, however,

¹¹ [Mass. Gen. Laws ch. 140, § 129C](#).

¹² [Mass. Gen. Laws ch. 140, § 129B\(1\)\(viii\)](#). See also [Mass. Gen. Laws ch. 140, § 131\(d\)\(vi\)](#) (limiting issuance of a license to carry a firearm in the same manner); [Mass. Gen. Laws ch. 209A, § 3](#) (authorizing issuance of a protection order against an adult or minor family or household member).

¹³ [Mass. Gen. Laws ch. 209A, § 1](#).

¹⁴ [Mass. Gen. Laws ch. 209A, § 3B](#).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ [Mass. Gen. Laws ch. 209A, § 6](#).

specifically authorize or require the law enforcement officer to remove firearms or ammunition in this situation.

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

Disarming Prohibited Persons in Massachusetts

Massachusetts has no law requiring the removal of firearms from [persons who have become prohibited from possessing them](#). An individual's firearm identification card must be revoked by the licensing authority following the occurrence of any event that renders the cardholder prohibited from possessing firearms.¹⁸ Upon receipt of the written notice of revocation from the licensing authority, the prohibited person must "without delay" deliver or surrender all firearms and ammunition in his or her possession to the licensing authority where he or she resides.¹⁹ After taking possession, the licensing authority may transfer possession of any firearms and ammunition to a licensed firearms dealer for storage purposes. The dealer must issue a receipt to the prohibited person, who is liable to the dealer for reasonable storage charges. Through the dealer, the prohibited person may then transfer any relinquished firearms to a person lawfully permitted to purchase or take possession of the weapon. After a year in storage, or 90 days of unpaid storage charges, relinquished firearms must be sold at public auction by the state police. After deduction and payment for storage charges and all costs associated with the surrender and transfer of the firearms, any surplus proceeds must be immediately returned to the prohibited person.²⁰

¹⁸ [Mass. Gen. Laws ch. 140, § 129B.](#)

¹⁹ [Mass. Gen. Laws ch. 140, § 129D.](#)

²⁰ *Id.*

Sales & Transfers

Background Checks in Massachusetts

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

Federal law requires federally licensed firearms dealers (but not private sellers) to initiate a background check on the purchaser prior to sale of a firearm. Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

Massachusetts is not a point of contact state for the NICS. As a result, in Massachusetts, firearms dealers must initiate the background check required by federal law by contacting the FBI directly.²¹ Massachusetts also requires firearms owners to obtain a state license prior to purchase of a firearm, and the applicant for a license must undergo a background check before the license is issued. For more information about these licenses, see [Licensing of Gun Owners or Purchasers](#) below.

Although Massachusetts does not explicitly require private sellers of firearms (sellers who are not licensed dealers) to initiate a background check before transferring a firearm, Massachusetts prohibits almost all private sales of firearms. In cases where private sales are permissible, the purchaser must have the required state license, and the private seller must report the sale to the state. See [Private Sales](#) below.

²¹ Federal Bureau of Investigation, National Instant Criminal Background Check System Participation Map, at <http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map>.

Mental Health Reporting in Massachusetts

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”²² No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Massachusetts has no law requiring, or even explicitly authorizing, the reporting of mental health information to NICS, although Massachusetts does use mental health information when determining whether to issue firearms licenses. Massachusetts law states that a Firearm Identification Card and a Class A or B license (required to purchase a firearm in Massachusetts) may not be issued if the applicant has been confined to any hospital or institution for mental illness, unless the applicant submits a physician’s affidavit attesting that he or she is familiar with the applicant and that the applicant is not disabled by such an illness in a manner that would prevent him or her from possessing a firearm.²³ Furthermore, Massachusetts law requires the colonel who issues Firearm Identification Cards and Class A or B licenses to utilize files maintained by the department of mental health in searching for any disqualifying history of the applicant.²⁴ With respect to Class A and B licenses, the commissioner of the department of mental health “shall provide prompt and full cooperation for that purpose in any investigation of the applicant.”²⁵

The department of mental health must keep records of the admission, treatment, and periodic review of all persons admitted to facilities under its supervision.²⁶ However, the records of the department of mental health are “private and not open to public inspection” except for certain specified purposes.²⁷ Use in background checks for firearm transfers is not one of the specified purposes (despite the above).

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Background Checks](#) section and the section entitled [Prohibited Purchasers Generally](#).

²² [18 U.S.C. § 922\(d\)\(4\)](#).

²³ [Mass. Gen. Laws ch. 140, §§ 129B\(1\), 131\(d\)](#).

²⁴ [Mass. Gen. Laws ch. 140, §§ 129B\(2\), 131\(e\)](#).

²⁵ [Mass. Gen. Laws ch. 140, § 131\(e\)](#).

²⁶ [Mass. Gen. Laws ch. 123, § 36](#).

²⁷ *Id.*

Multiple Purchases / Sales of Firearms in Massachusetts

Massachusetts has no law restricting sales or purchases of multiple firearms. See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

Retention of Sales / Background Check Records in Massachusetts

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

For every transfer, dealers must also make an entry in a sales record book specifying: 1) the complete description of the firearm, including the make, serial number (if any), type, and designation as a large capacity weapon, if applicable; 2) whether it was sold, rented or leased; 3) the date of transfer; and 4) the gender, residence and occupation of the transferee.²⁸ Before delivering the firearm, the dealer must ensure that the transferee writes his or her full name in the sales record book, which must be open at all times to the inspection of the police. In the case of a handgun, the dealer must also document the license to carry number or the permit to purchase, rent or lease number, along with the firearm identification card ("FID") number. In the case of a rifle or shotgun, the dealer must include either the FID or license to carry number.²⁹ This information must also be submitted to the commissioner of the Department of Criminal Justice Information Services (CJIS) (formerly the Criminal History Systems Board) via an electronic communication link into the Massachusetts Instant Record Check System (MIRCS).³⁰

Massachusetts law allows private sellers of firearms (those not licensed as firearms dealers) to sell up to four firearms per year. However, the seller must report the sale to CJIS within seven days, on forms furnished by the executive director. The seller must specify the names and addresses of the seller and the purchaser, together with a complete description of the firearm, including its designation as a large capacity weapon, if applicable, the caliber, make and serial number and the purchaser's license number(s).³¹ Purchasers of firearms from private sellers are also required to submit this same information to CJIS (although they do not have to provide their license, permit or card numbers), independent of the seller.³²

²⁸ [Mass. Gen. Laws ch. 140, § 123 \(Second\), \(Ninth\), \(Twelfth\)](#).

²⁹ *Id.*

³⁰ [Mass. Gen. Laws ch. 140, § 123 \(Fifth\), \(Ninth\)](#); 803 Mass. Code Regs. 10.06.

³¹ [Mass. Gen. Laws Ch. 140, § 128A](#).

³² [Mass. Gen. Laws Ch. 140, § 128B](#).

Massachusetts Waiting Periods

Massachusetts imposes no waiting period between the time of purchase and the actual physical transfer of a firearm.

For applicants seeking a firearm identification card ("FID") or Class A or B license to carry ("license"), the local licensing authority is required to either approve an application and issue a FID or license or deny the application and notify the applicant of the reason for such denial in writing, within 40 days from the date of application.³³ No FID or license will be issued unless the colonel of the state police has certified, in writing, that the applicant's background information does not indicate that possession of a firearm by the applicant would be in violation of state or federal law.³⁴

See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

³³ [Mass Gen. Laws ch. 140, §§ 129B\(3\), 131\(e\)](#).

³⁴ *Id.*

Gun Dealers & Other Sellers

Massachusetts Dealer Regulations

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

Massachusetts law requires any person who sells, rents, or leases a firearm to possess a Massachusetts firearms dealer license.³⁵ This prohibition does not apply to an unlicensed person who transfers a firearm to a state or federally licensed dealer or to a historical society, museum or institutional collection that is open to the public.³⁶ It also excludes unlicensed Massachusetts residents who transfer "not more than four" firearms in any one calendar year, so long as both the buyer and the seller have the proper cards, permits or licenses to possess or purchase firearms, and the seller reports the sale to the state.³⁷

A city or town police department ("licensing authority") may, after an investigation into the criminal history of the applicant, grant a firearms dealer license to any person except:

- An alien;
- A minor (under 18 years of age). (Note, however, that the licensing authority requests an applicant's Federal Firearms License (FFL) during the background investigation of an applicant for a state license, and federal law requires that an applicant for a FFL be at least 21 years of age);
- A person who has been adjudicated a "youthful offender", 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.³⁸

Every license must specify the street and number of the building where the business will be located.³⁹ A firearms dealer's business must not be located in a residence or dwelling and must be in the location identified on the license.⁴⁰ The licensing authority is required to submit one copy of an applicant's fingerprints to the department of state police, who must, within a reasonable period of time, advise the licensing authority in writing of any criminal record of the applicant.⁴¹ The licensing authority must also send a copy of the application to the commissioner of the department of criminal justice information services. The dealer license application fee is \$100.⁴²

³⁵ [Mass. Gen. Laws ch. 140, §§ 122, 128.](#)

³⁶ [Mass. Gen. Laws ch. 140, § 128A.](#)

³⁷ *Id.*

³⁸ [Mass. Gen. Laws ch. 140, § 122.](#)

³⁹ [Mass. Gen. Laws ch. 140, § 122.](#)

⁴⁰ [Mass. Gen. Laws ch. 140, §§ 122, 123 \(First, Fifteenth\).](#)

⁴¹ [Mass. Gen. Laws ch. 140, § 122.](#)

⁴² *Id.*

Under federal law, federally licensed firearms dealers must conduct background checks on prospective purchasers each time the dealer transfers a firearm. Massachusetts also requires that dealers verify the validity of a potential transferee's license prior to transferring a firearm.⁴³ For licenses issued via the Massachusetts Instant Record Check System (MIRCS), the dealer must electronically submit the:

- Transferee's license number;
- Licensing authority that issued the license;
- Type of firearm being purchased; and
- Whether or not the firearm is a large capacity weapon.⁴⁴

The dealer must then verify the transferee's identity and validity of his or her license by scanning the fingerprint or entering the personal identification number contained on the license.⁴⁵ For licenses issued prior to the existence of MIRCS, the dealer must visually inspect the license.⁴⁶ In either case, if the license presented is expired, suspended or revoked, the dealer must notify the licensing authority and may take possession of it (in the latter case, the dealer must provide the holder with a receipt for the FID, permit or license, notify the holder of the need to renew the FID, permit or license, and forward it to the licensing authority).⁴⁷

The licensing authority is required to conduct, and a dealer must submit to, one mandatory records and inventory inspection per year and a dealer's records must be open to inspection by law enforcement "at all times."⁴⁸

A firearms dealer must not display any firearm in any outer window or in any place where it can be readily seen from the outside.⁴⁹

For recordkeeping requirements, see the [Retention of Sales / Background Checks Records](#) section.

Any dealer who loses a firearm or has a firearm stolen must report the loss or theft "forthwith" to the licensing authority and the executive director of the criminal history systems board.⁵⁰ The report must include a complete description of the weapon, including the make, model, serial number, caliber and whether such weapon is a "large capacity weapon." ("large capacity" includes assault weapons and most firearms capable of holding more than 10 rounds of ammunition or more than five shotgun shells (either directly, or via a large capacity feeding device)).⁵¹

⁴³ [Mass. Gen. Laws ch. 140, § 123 \(Thirteenth\)](#).

⁴⁴ 803 Mass. Code Regs. 10.06(1)(a).

⁴⁵ 803 Mass. Code Regs. 10.06(1)(c).

⁴⁶ 803 Mass. Code Regs. 10.06(2)(a).

⁴⁷ [Mass. Gen. Laws ch. 140, § 123 \(Thirteenth\)](#).

⁴⁸ [Mass. Gen. Laws ch. 140, § 123 \(Second\)](#).

⁴⁹ [Mass. Gen. Laws ch. 140, § 123 \(Fourth\)](#).

⁵⁰ [Mass. Gen. Laws ch. 140, § 123 \(Seventeenth\)](#).

⁵¹ [Mass. Gen. Laws ch. 140, §§ 121, 129B\(6\)](#).

Massachusetts law prohibits any person from selling or furnishing a rifle, shotgun, machine gun or ammunition to any person under age 18 or selling or furnishing a handgun or large capacity rifle or shotgun or ammunition for those firearms to anyone under age 21.⁵²

Any person selling firearm ammunition in Massachusetts must possess a license to do so.⁵³ This license—distinct from a firearms dealer license—is subject to the same basic conditions as the dealer license, and the fee for an application for such a license is \$100.⁵⁴ Once issued, both license types expire three years from the date of issuance.⁵⁵

For further information on firearm-related sales restrictions for safety purposes, please see the [Design Safety Standards](#) section.

For additional Massachusetts laws related to these topics, please see the [Licensing of Gun Purchasers/Owners](#) and [Registration of Firearms](#) sections.

⁵² [Mass. Gen. Laws ch. 140, § 130.](#)

⁵³ [Mass. Gen. Laws ch. 140, § 122B.](#)

⁵⁴ *Id.*

⁵⁵ [Mass. Gen. Laws ch. 140, § 124.](#)

Private Sales in Massachusetts

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

Massachusetts law prohibits any person from transferring a firearm without possessing a Massachusetts firearms dealer license.⁵⁶ This prohibition does not apply to an unlicensed person who transfers a firearm to a state or federally licensed dealer or to a historical society, museum or institutional collection that is open to the public.⁵⁷

State law also exempts from this general prohibition unlicensed persons who transfer "not more than four" firearms in any one calendar year, so long as both the buyer and the seller have the proper cards, permits or licenses to purchase or possess the firearms being transferred, and the seller reports the sale to the state, as required by law.⁵⁸ For further information, please see the [Licensing of Gun Purchasers/Owners](#) sections.

Massachusetts law requires private sales of firearms to be reported to the Department of Criminal Justice Information Services (CJIS) by both the seller and the purchaser. For more information, see the [Retention of Sales / Background Checks Records](#) section.

With certain exceptions (including for persons who transfer fewer than five handguns a year), Massachusetts law deems it an unfair or deceptive practice to transfer a handgun while failing to comply with any local, state or federal law or regulation intended to protect consumers from unfair and deceptive practices, such as laws or regulations that:

- Forbid sale to juveniles, addicts or the mentally incompetent;
- Require sellers to keep handgun sales records;
- Forbid sellers from delivering or transporting loaded handguns; or
- Forbid the delivery of handguns to minors.⁵⁹

In addition, it is generally an unfair or deceptive practice for a handgun seller to make a material misrepresentation or false certification regarding a handgun offered for transfer.⁶⁰

⁵⁶ [Mass. Gen. Laws ch. 140, §§ 122, 128.](#)

⁵⁷ [Mass. Gen. Laws ch. 140, § 128A.](#)

⁵⁸ *Id.*

⁵⁹ 940 Mass. Code Regs. 16.02(1)

⁶⁰ 940 Mass. Code Regs. 16.02(2).

Massachusetts Gun Shows

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

A licensed firearms dealer in Massachusetts is permitted to sell or transfer firearms and ammunition at a gun show open to the general public, as long as the dealer complies with the licensed dealer conditions in Massachusetts law and ensures that such sales or transfers are in conformity with federal and state law, including the prohibitions on sales to purchasers who lack the required firearm identification cards, licenses to carry firearms, and/or permits to purchase, rent or lease firearms.⁶¹

Unlicensed sellers may transfer "not more than four" firearms in any one calendar year, so long as both the buyer and the seller have the proper cards, permits or licenses to possess or purchase the types of firearms being transferred, and the seller reports the sale to the state, as required by law.⁶²

See the [Private Sales](#) section for additional state laws that apply at gun shows.

⁶¹ [Mass. Gen. Laws ch. 140, § 123](#) (citing [Mass. Gen. Laws ch. 140, §§ 129B, 131](#) and [131A](#)).

⁶² [Mass. Gen. Laws ch. 140, § 128A](#).

Massachusetts Immunity Statutes

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

Massachusetts has no law providing immunity to the firearms industry. See the [Locking Devices](#) section for information on the liability of manufacturers, importers and sellers of handguns or large capacity weapons that do not include or incorporate safety devices.

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

Gun Owner Responsibilities

Licensing of Gun Owners or Purchasers in Massachusetts

See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

There are four types of licenses for gun purchasers and owners in Massachusetts: the Firearm Identification or FID card, the Class A license, the Class B license, and a "permit to purchase, rent or lease." Each entitles the holder to different privileges, described below.

A FID card enables the holder to purchase or possess only rifles and shotguns that are not considered "large capacity" weapons, and feeding devices for long guns that are not "large capacity" weapons.⁶³ "Large capacity weapon" includes assault weapons and most firearms capable of holding more than 10 rounds of ammunition or more than five shotgun shells (either directly, or via a large capacity feeding device).⁶⁴

In order to purchase a handgun or handgun feeding device (or short-barreled shotgun or rifle), the person must obtain a FID card and a "permit to purchase, rent or lease."⁶⁵ A permit to purchase, rent or lease a handgun or short-barreled firearm is issued at the discretion of the licensing authority for "a proper purpose," is valid for only 10 days, and can be revoked at any time.⁶⁶ The licensing authority may restrict the caliber and capacity of the firearm that may be purchased, rented or leased with the license. The licensing authority must send a copy of each issued permit to the commissioner of the department of criminal justice information services within one week.⁶⁷ The nonrefundable application fee for such permits is \$100.⁶⁸ When a firearms dealer transfers a handgun to a person holding a permit to purchase, rent or lease, the dealer is required to write on the permit the date and place of the transfer, and transmit the permit to the executive director of the criminal history systems board.⁶⁹

A Class A license allows the licensee to purchase, rent, lease, borrow, possess and carry all types of lawful firearms, including both large and non-large capacity handguns, rifles, shotguns, and feeding devices and ammunition for these firearms.⁷⁰ A Class B license is more limited, allowing the licensee to purchase, rent, lease, borrow, possess and carry "non-large capacity" handguns, or any rifle or shotgun, including large capacity rifles and shotguns, and feeding devices and ammunition for these firearms.⁷¹ Unlike FID holders, Class A and B licensees may purchase handguns and short-barreled firearms without obtaining a permit to purchase, rent or lease. Class B licensees cannot carry a concealed, loaded firearm in any public way or place.⁷² State law does not appear to limit the number of firearms a Class A or B licensee may purchase or possess. For further information on Class A and Class B licenses, please see the [Concealed Weapons Permitting](#) section.

⁶³ [Mass. Gen. Laws ch. 140, §§ 129B\(6\), 131E.](#)

⁶⁴ [Mass. Gen. Laws ch. 140, § 121.](#)

⁶⁵ [Mass. Gen. Laws ch. 140, § 131E\(b\).](#)

⁶⁶ [Mass. Gen. Laws ch. 140, § 131A.](#)

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ [Mass. Gen. Laws ch. 140, § 123 \(Ninth\).](#)

⁷⁰ [Mass. Gen. Laws ch. 140, § 131\(a\).](#)

⁷¹ [Mass. Gen. Laws ch. 140, § 131\(b\).](#)

⁷² *Id.*

Any person residing or having a place of business within the jurisdiction of a city or town police department ("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 an application for a FID or a Class A or B license to carry firearms.⁷³

A FID must be issued, and a Class A or B license may be issued, unless the applicant falls into one of the prohibited categories listed above in the section entitled [Prohibited Purchasers Generally](#).⁷⁴ See the [Minimum Age to Purchase / Possess](#) section for information about age requirements. In addition, the law states that the licensing authority may issue a Class A or B license if "it appears that the applicant is a suitable person to be issued such license..."⁷⁵

In the application process for either a FID or a Class A or B license, the licensing authority must forward one copy of the application and one copy of the applicant's fingerprints to the colonel of state police ("colonel") who must, within 30 days, advise the licensing authority, in writing, of any disqualifying criminal record, and whether there is reason to believe that the applicant is otherwise disqualified from possessing a FID or either license.⁷⁶ The colonel shall utilize files maintained by the department of mental health, the department of probation "and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to," NICS.⁷⁷ The licensing authority has 40 days from the date an application is submitted to approve or deny the application for a Class A or B license or a FID.⁷⁸

In the case of a Class A or B license:

The licensing authority may also make inquiries concerning the applicant to: (i) the commissioner of the department of criminal justice information services relative to any disqualifying condition and records of purchases, sales, rentals, leases and transfers of weapons or ammunition concerning the applicant; (ii) the commissioner of probation relative to any record contained within the department of probation or the statewide domestic violence record keeping system concerning the applicant; and (iii) the commissioner of the department of mental health relative to whether the applicant is a suitable person to possess firearms or is not a suitable person to possess firearms. The director or commissioner to whom the licensing authority makes such inquiry shall provide prompt and full cooperation for that purpose in any investigation of the applicant.⁷⁹

Massachusetts law also prohibits any person from using a FID or Class A or B license for the purpose of purchasing a firearm for the unlawful use of another, or for resale of a firearm, or giving a firearm to, an unlicensed person.⁸⁰

A FID is generally valid for six years from the date of issue.⁸¹ A Class A or B license is valid not more than six years from the date of issue.⁸²

⁷³ [Mass. Gen. Laws ch. 140, §§ 129B\(1\), 131\(d\)](#).

⁷⁴ [Mass. Gen. Laws ch. 140, §§ 129B\(1\), 131\(d\)](#).

⁷⁵ [Mass. Gen. Laws ch. 140, § 131\(d\)](#).

⁷⁶ [Mass. Gen. Laws ch. 140, §§ 129B\(2\), 131\(e\)](#).

⁷⁷ *Id.*

⁷⁸ [Mass. Gen. Laws ch. 140, §§ 129B\(2\), \(3\), 131\(e\)](#).

⁷⁹ [Mass. Gen. Laws ch. 140, § 131\(e\)](#).

⁸⁰ [Mass. Gen. Laws ch. 140, § 131E\(b\)](#).

Massachusetts Registration of Firearms

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

Massachusetts requires all sellers of firearms to report firearms sales and transfers to the Department of Criminal Justice Information Services (CJIS), which maintains comprehensive records of sales and transfers. See the [Retention of Sales / Background Checks Records](#) section for further information. Massachusetts does not, however, require firearm owners to periodically confirm their continuing ownership of firearms or their eligibility to possess firearms.

⁸¹ [Mass. Gen. Laws ch. 140, § 129B\(9\)](#).

⁸² [Mass. Gen. Laws ch. 140, § 131\(i\)](#).

Reporting Lost or Stolen Firearms in Massachusetts

Massachusetts gun owners are required to report loss, theft or recovery of a gun to the Department of Criminal Justice Information Services (CJIS) and the licensing authority in the city or town where the owner resides. Among other penalties, failure to report the lost or theft of the firearm results in the suspension or permanent revocation of such person's firearm identification card or license to carry firearms, or both.⁸³ Gun dealers are subject to a similar requirement.⁸⁴ See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

⁸³ [Mass. Gen. Laws ch. 140, § 129C](#).

⁸⁴ *Id.*, [Mass. Gen. Laws ch. 140, § 123 \(Seventeenth\)](#).

Firearms in Public Places

Concealed Weapons Permitting in Massachusetts

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Massachusetts allows a person to carry a firearm in public if the person has the appropriate license.⁸⁵ Massachusetts prohibits the possession of a loaded rifle or shotgun on any public way, regardless of whether the possessor has a FID or Class A or B license to carry.⁸⁶ Unloaded rifles or shotguns may be carried on a public way so long as they are enclosed in a case, and the person has the appropriate permit.⁸⁷

A Class A license entitles the possessor to purchase, possess, rent, borrow, lease and carry all types of lawful firearms, including handguns and large capacity firearms, and feeding devices and ammunition for these firearms.⁸⁸ This is the only license that allows a person to carry a loaded handgun (concealed or unconcealed) in public. A licensing authority may impose further restrictions it deems proper on the licensee regarding the possession or use of large capacity rifles or shotguns.⁸⁹

A Class B license allows the holder to purchase, possess, rent, borrow, lease, and carry non-large capacity handguns, or any rifle or shotgun, including large capacity rifles and shotguns, and feeding devices and ammunition for these firearms. Class B license holders **cannot** carry a loaded firearm in a concealed manner in any public way or place. The licensing authority may impose additional restrictions on the possession or use of these firearms as it deems appropriate.⁹⁰

Massachusetts is a "may-issue" state for the issuance of Class A or Class B licenses to carry firearms, meaning that the local licensing authority has discretion in determining whether or not to issue either license type to an applicant.

Any person residing or having a place of business within the jurisdiction of a particular 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 or the colonel of state police an application for a Class A or Class B license to carry firearms.⁹¹ The licensing authority or colonel may issue the license "if it appears that the applicant is a suitable person to be issued such license, and that the applicant has good reason to fear injury to his person or property, or for any other reason, including the carrying of firearms for use in sport or target practice only," unless the applicant falls into a statutorily defined prohibited class.⁹² See the [Licensing of Gun Purchasers / Owners](#) section.

⁸⁵ [Mass. Gen. Laws ch. 269, § 10.](#)

⁸⁶ [Mass. Gen. Laws ch. 269, § 12D.](#) Exceptions exist for hunting purposes. *Id.*

⁸⁷ *Id.* For information on the carrying of firearms for hunting, see [Mass. Gen. Laws ch. 131, §§ 11, 14, 70.](#)

⁸⁸ [Mass. Gen. Laws ch. 140, § 131\(a\).](#)

⁸⁹ [Mass. Gen. Laws ch. 140, § 131\(a\), \(b\).](#)

⁹⁰ [Mass. Gen. Laws ch. 140, § 131\(b\).](#)

⁹¹ [Mass. Gen. Laws ch. 140, § 131\(d\)](#)

⁹² *Id.*

The licensing authority has 40 days from the date an application is submitted to approve or deny the application for a Class A or B license.⁹³

A Class A or B license will be revoked or suspended by the licensing authority upon the occurrence of any event that would have disqualified the holder from being issued the license, or if it appears to the licensing authority that the holder is no longer a suitable person to possess the license.⁹⁴ Applicants whose licenses have been revoked or suspended must surrender their license to the licensing authority, and must surrender their firearms.⁹⁵ Individuals who possess firearms without the proper card or license for the firearm possessed may face fines and prison time.⁹⁶

Firearm Safety Training

Persons applying for a Class A or B license to carry and who were not in possession of a FID or either license type prior to June 1, 1998 must submit a basic firearms safety certificate ("BFSC") to the licensing authority.⁹⁷ No application for the issuance of a Class A or B license will be accepted or processed by the licensing authority without this certificate.⁹⁸ To obtain a BFSC, an applicant must successfully complete a basic firearms safety course.⁹⁹

Duration & Renewal

Once issued, a Massachusetts Class A or B license to carry firearms is valid for up to six years from the date of issue.¹⁰⁰

Disclosure or Use of Information

Massachusetts does not allow the names and addresses of license holders to be made public. Names and addresses that are exempt from the definition of "public records" include those that:

- Are contained in or referred to on an application for a Class A or B license;
- Appear on sale or transfer forms for any handguns, rifles, shotguns, or machine guns or ammunition; or
- Appear on an actual Class A or B license.¹⁰¹

The executive director of the criminal history systems board is required to promulgate rules and regulations "to ensure the prompt collection, exchange, dissemination and distribution of firearms record information..."¹⁰²

⁹³ [Mass. Gen. Laws ch. 140, § 131\(e\)](#).

⁹⁴ [Mass. Gen. Laws ch. 140, § 131\(f\)](#).

⁹⁵ [Mass. Gen. Laws ch. 140, §§ 129D, 131\(f\)](#).

⁹⁶ See [Mass. Gen. Laws ch. 269, § 10](#).

⁹⁷ [Mass. Gen. Laws ch. 140, § 131P\(a\)](#).

⁹⁸ *Id.*

⁹⁹ [515 Mass. Code Regs. 3.01 et seq.](#)

¹⁰⁰ [Mass. Gen. Laws ch. 140, § 131\(i\)](#).

¹⁰¹ [Mass. Gen. Laws ch. 4, § 7 \(Twenty-sixth\)\(j\)](#).

¹⁰² [Mass. Gen. Laws ch. 6, § 168B](#). An amendment effective Nov 4, 2012 will transfer this responsibility to the department of criminal justice information services.

Reciprocity

A non-resident may carry a pistol or revolver in the state when engaging in a firearm competition, while attending any meeting or exhibition of any organized group of firearm collectors, or for the purpose of hunting, if he or she:

- Is a resident of the United States; and
- Has a permit or license to carry firearms issued under the laws of any state or local jurisdiction having regulations that prohibit the issuance of permits or licenses to persons who have been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs; or
- For a hunter traveling in or through Massachusetts, possesses a hunting or sporting license issued by Massachusetts or the state of his or her destination.¹⁰³

¹⁰³ [Mass. Gen. Laws ch. 140, § 131G.](#)

Open Carrying in Massachusetts

Massachusetts allows a person to [openly carry firearms in public](#) if the person has a Class A or Class B license to carry the firearm.¹⁰⁴ For more information about these licenses, see the [Concealed Weapons Permitting](#) section.

¹⁰⁴ [Mass. Gen. Laws ch. 140, § 129C; ch. 269, § 10.](#)

Location Restrictions

Guns in Vehicles in Massachusetts

Massachusetts law criminalizes the knowing possession of a firearm, or the knowing control of a firearm in a vehicle, whether loaded or unloaded, unless the possessor is at his or her residence or place of business or possesses the proper card or license for the firearm possessed.¹⁰⁵

A person possessing a Massachusetts Class A license to carry may carry a loaded handgun or short-barreled firearm in a vehicle only if the weapon is under his or her direct control.¹⁰⁶ Similarly, a person possessing a Class B license may carry a handgun or short-barreled firearm in a vehicle only if the weapon is unloaded and contained within the locked trunk of the vehicle, or in a locked case or other secure container.¹⁰⁷ Class A or Class B license holders may possess a large capacity rifle or shotgun in a vehicle only if the weapon is unloaded and contained within the locked trunk or in a locked case or other secure container.¹⁰⁸ For more information about these licenses, see the [Concealed Weapons Permitting](#) section.

Massachusetts generally prohibits the carrying of a firearm in or on a snow vehicle or recreation vehicle, or on a trailer or sled attached to such vehicle, unless the firearm is unloaded and in an enclosed case.¹⁰⁹

¹⁰⁵ [Mass. Gen. Laws ch. 269, § 10.](#)

¹⁰⁶ [Mass. Gen. Laws ch. 140, § 131C\(a\).](#)

¹⁰⁷ [Mass. Gen. Laws ch. 140, § 131C\(b\).](#)

¹⁰⁸ [Mass. Gen. Laws ch. 140, § 131C\(c\).](#)

¹⁰⁹ [Mass. Gen. Laws ch. 90B, § 26\(g\).](#)

Guns in Schools in Massachusetts

Massachusetts prohibits carrying a firearm 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.¹¹⁰ Massachusetts also penalizes an officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university who fails to report a violation of this rule.¹¹¹ See [LCAV's policy page on Guns in Schools](#) for further information.

¹¹⁰ [Mass. Gen. Laws ch. 269, § 10\(j\)](#).

¹¹¹ *Id.*

Other Location Restrictions in Massachusetts

Massachusetts prohibits occupying or attempting to enter or occupy a secure area of an airport or cabin of an airplane knowingly in possession of a firearm, notwithstanding any license to possess the firearm.¹¹²

Massachusetts has no statutes prohibiting firearms in the following locations, although administrative regulations may apply:

- Hospitals;
- Places of worship;
- Sports arenas;
- Bars or restaurants where alcohol is served;
- Gambling facilities; or
- Polling places.

¹¹² [Mass. Gen. Laws ch. 269, § 12F\(b\)](#).

Consumer & Child Safety

Massachusetts Design Safety Standards for Handguns

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

Massachusetts generally prohibits licensed firearms dealers from transferring any handgun that does not meet detailed safety standards.¹¹³ Dealers may sell at retail only "approved firearms" – handguns with a make and model approved for sale by the Secretary of Public Safety ("Secretary").¹¹⁴ These handguns meet or exceed the testing criteria outlined in Massachusetts law, as determined by independent firearm testing laboratories approved by the Secretary.¹¹⁵ Approved firearms are added to the [Massachusetts Approved Firearms Roster](#) ("Roster").

An approved testing laboratory must determine whether a handgun:

- Has "a frame, barrel, cylinder, slide or breechblock that is composed of: 1) any metal having a melting point of less than 900 degrees Fahrenheit; 2) any metal having an ultimate tensile strength of less than 55,000 pounds per square inch; or 3) any powdered metal having a density of less than 7.5 grams per cubic centimeter." This requirement does not apply to any make and model of handgun that passes, in new condition, specific firing tests;¹¹⁶
- Is prone to accidental discharge as measured by drop testing;¹¹⁷
- Is prone to: 1) firing more than once per pull of the trigger; or 2) exploding during firing;¹¹⁸ and
- Has a barrel less than three inches in length; however, this restriction does not apply if the dealer discloses to the prospective purchaser in writing, prior to the transaction, the limitations of the accuracy of the particular make and model. To this end, the dealer must disclose the make and model's average group diameter test result (meaning the average of three tests using three sample firearms, with each firearm firing five rounds at a target from a set distance and measuring and recording the largest spread in inches between the centers of any of the holes made in the test targets) at seven yards, 14 yards and 21 yards.¹¹⁹

These requirements do not apply to: 1) any handgun lawfully owned or possessed under a license issued under Chapter 140 on or before October 21, 1998; or 2) any handgun

¹¹³ [Mass. Gen. Laws ch. 140, § 123 \(clauses Eighteenth, Nineteenth, Twentieth and Twenty-first\)](#).

¹¹⁴ 501 Mass. Code Regs. 7.02.

¹¹⁵ [Mass. Gen. Laws ch. 140, § 123 \(Eighteenth, Nineteenth, Twentieth, and Twenty-First\)](#); 501 Mass. Code Regs. 7.02.

¹¹⁶ [Mass. Gen. Laws ch. 140, § 123 \(Eighteenth\)](#).

¹¹⁷ [Mass. Gen. Laws ch. 140, § 123 \(Nineteenth\)](#).

¹¹⁸ [Mass. Gen. Laws ch. 140, § 123 \(Twentieth\)](#).

¹¹⁹ [Mass. Gen. Laws ch. 140, § 123 \(Twenty-First\)](#).

designated by the Secretary as a handgun solely designed and sold for formal target shooting competition, with the advice of the state gun control advisory board.¹²⁰

Any person may petition the Secretary to place a handgun on or remove a handgun from the Roster, but must do so within 90 days of the Secretary's original decision denying or approving the gun for inclusion on the Roster.¹²¹

Massachusetts, through the initiative of its Attorney General, was the first state to utilize statutory powers under the state's consumer protection laws to implement gun safety regulations. Current gun safety regulations prohibit the sale of handguns made from inferior materials or without certain safety features, require the sale of a handgun to be accompanied with certain safety warnings, and govern the placement of serial numbers on handguns.¹²² For more information about the Massachusetts regulation governing the placement of serial numbers, see the [Trafficking](#) section below.

¹²⁰ [Mass. Gen. Laws ch. 140, § 123](#).

¹²¹ 501 Mass. Code Regs. 7.06(1).

¹²² [940 Mass. Code Regs. 16.03, 16.04, 16.05-16.07](#). For details on the authority of the Massachusetts Attorney General to regulate junk guns, as well as promulgate other firearms safety standards, see the report "[Targeting Safety](#)," by the Center to Prevent Handgun Violence (now Brady Center to Prevent Gun Violence).

Locking Devices in Massachusetts

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

Pursuant to Massachusetts law, it is unlawful to store or keep any firearm:

[U]nless such weapon is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user.¹²³

Firearms dealers must conspicuously post at each purchase counter the following warning in bold type of not less than one inch in height: "IT IS UNLAWFUL TO STORE OR KEEP A FIREARM, RIFLE, SHOTGUN OR MACHINE GUN IN ANY PLACE UNLESS THAT WEAPON IS EQUIPPED WITH A TAMPER-RESISTANT SAFETY DEVICE OR IS STORED OR KEPT IN A SECURELY LOCKED CONTAINER." Dealers must also provide the warning in writing to the transferee of any firearm in bold type not less than one-quarter inch in height.¹²⁴

Any handgun or large capacity weapon sold in Massachusetts without a safety device designed to prevent discharge by unauthorized users shall be considered defective and the sale of such a weapon shall constitute a breach of warranty and an unfair or deceptive trade act or practice.¹²⁵ The Department of State Police has approved [a list of such devices](#).

In addition, Massachusetts deems unfair or deceptive the transfer or offer to transfer of any handgun that does not contain a mechanism which precludes an average five year old child from operating a handgun when it is ready to fire. Such mechanism may include, but is not limited to, a raised trigger resistance, alteration of the firing mechanism so that a child's hands are too small to operate it, or the requirement of multiple motions in order to fire the weapon. It is also an unfair or deceptive trade practice to transfer or offer to transfer a handgun that does not contain a load indicator or magazine safety disconnect.¹²⁶

¹²³ [Mass. Gen. Laws ch. 140, § 131L\(a\)](#).

¹²⁴ [Mass. Gen. Laws ch. 140, § 123 \(Fourteenth\)](#).

¹²⁵ [Mass. Gen. Laws ch. 140, § 131K](#).

¹²⁶ [940 Mass. Code Regs. 16.05](#). Please see [940 Mass. Code Regs. 16.05, 16.06 and 16.07](#) for additional handgun locking device requirements.

Personalized / Owner-Authorized Firearms in Massachusetts

Massachusetts law refers to "smart gun"-type technology in provisions relating to the sale of firearms without safety devices, but state law does not specifically mandate the use of such technology. Massachusetts law deems the sale of handguns and large capacity weapons without safety devices — including "smart gun" technology — an unfair or deceptive trade act or practice and declares such firearms defective.¹²⁷ For further information, please see the [Locking Devices](#) section. See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

¹²⁷ [Mass. Gen. Laws ch. 140, § 131K.](#)

Massachusetts Child Access Prevention

Massachusetts law prohibits the storage or keeping of any firearm in any place unless the gun is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device and properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user.¹²⁸ Massachusetts law also penalizes a lawful owner or user who keeps or stores non-large capacity rifles or shotguns in a place where a person under age 18 who does not possess a valid firearm identification card may gain access to the firearm.¹²⁹ Furthermore, a lawful owner or user may not keep or store a rifle or shotgun that is a large capacity weapon, a handgun, or a machine gun in a place where *any* person under age 18 may gain access to the firearm.¹³⁰

For additional laws related to safely securing and storing firearms, please see the [Locking Devices](#) section.

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

¹²⁸ [Mass. Gen. Laws ch. 140, § 131L\(a\)](#).

¹²⁹ [Ch. 140, § 131L\(c\)](#).

¹³⁰ [Ch. 140, § 131L\(d\)](#).

Classes of Weapons / Ammunition

Assault Weapons in Massachusetts

See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

No person in Massachusetts may sell, offer for sale, transfer or possess an assault weapon (or large capacity feeding device, see the [Large Capacity Ammunition Magazines](#) section) that was not otherwise lawfully possessed on September 13, 1994.¹³¹ Firearms dealers are also specifically prohibited from selling, leasing, renting, transferring, delivering, or offering for sale, lease, rent, transfer or delivery, any assault weapon or large capacity feeding device not otherwise lawfully possessed on September 13, 1994.¹³²

Massachusetts defines "assault weapon" by referring to the definition of semi-automatic assault weapon contained in federal law as it appeared on September 13, 1994 (that federal statute expired on September 13, 2004).¹³³ The definition includes a list of named weapons and copies of those weapons; semi-automatic rifles and pistols that have the ability to accept a detachable magazine and have at least two specified characteristics; and semi-automatic shotguns that have at least two specified characteristics. The Massachusetts Secretary of Public Safety ("Secretary") is required to compile and publish a roster of firearms and feeding devices that he or she determines meet the definitions of those terms.¹³⁴ The Secretary may amend the roster upon his or her own initiative, upon the initiative of the Gun Control Advisory Board, or upon the petition of any person seeking to place a weapon on or remove a weapon from the roster.¹³⁵ Weapons and feeding devices not included on the roster may still qualify as large capacity firearms or feeding devices if they fit within the above definitions.

¹³¹ [Mass. Gen. Laws ch. 140, § 131M.](#)

¹³² [Mass. Gen. Laws ch. 140, § 123 \(Sixteenth\).](#)

¹³³ [Mass. Gen. Laws ch. 140, § 121.](#) (referring to the federal Public Safety and Recreational Firearms Use Protection Act, former [18 U.S.C. § 921\(a\)\(30\)](#)).

¹³⁴ [Mass. Gen. Laws ch. 140, § 131 3/4.](#)

¹³⁵ [Mass. Gen. Laws ch. 140, §§ 131 1/2, 131 3/4.](#)

Large Capacity Ammunition Magazines in Massachusetts

See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

Massachusetts prohibits the sale, offering for sale, transfer or possession of a large capacity feeding device unless such device was lawfully possessed on September 13, 1994.¹³⁶ Under Massachusetts law, a "large capacity feeding device" is defined as: "(i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells; or (ii) a large capacity ammunition feeding device as defined in federal law as it appeared on September 13, 1994 (that federal statute expired on September 13, 2004). This does not include "an attached tubular device designed to accept, and capable of operating only with, .22 caliber ammunition."¹³⁷

The Massachusetts Secretary of Public Safety ("Secretary") is required to compile and publish a roster of firearms and feeding devices that he or she determines meet these definitions.¹³⁸ The Secretary may amend the roster upon his or her own initiative, upon the initiative of the Gun Control Advisory Board, or upon the petition of any person seeking to place a weapon on or remove a weapon from the roster.¹³⁹ Weapons and feeding devices not included on the roster may still be considered large capacity firearms or feeding devices if they fit within these definitions.¹⁴⁰

¹³⁶ [Mass. Gen. Laws ch. 140, § 131M.](#)

¹³⁷ [Mass. Gen. Laws ch. 140, § 121](#) (referring to the federal Public Safety and Recreational Firearms Use Protection Act, former [18 U.S.C. § 921\(a\)\(31\)](#)).

¹³⁸ [Mass. Gen. Laws ch. 140, § 131 3/4.](#)

¹³⁹ [Mass. Gen. Laws ch. 140, §§ 131 1/2, 131 3/4.](#)

¹⁴⁰ [Mass. Gen. Laws ch. 140, § 121.](#)

Fifty Caliber Rifles in Massachusetts

Massachusetts has no law restricting fifty caliber rifles. See [Regulating Guns in America: Fifty Caliber Rifles](#) for a comprehensive discussion of this issue.

Machine Guns/Automatic Firearms in Massachusetts

No person may carry or possess a machine gun in Massachusetts without a specially issued machine gun license. The licensing authority or the colonel of state police may issue a machine gun license to: (a) a firearm instructor certified by the municipal police training committee for the sole purpose of firearm instruction to police personnel; or (b) a bona fide collector of firearms upon application or upon application for renewal of such license.¹⁴¹

“Machine gun” is defined as “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, including a submachine gun.”¹⁴²

Massachusetts law also prohibits the sale or transfer of a machine gun to anyone not issued a machine gun license.¹⁴³

Finally, Massachusetts prohibits any person from using any type of fully automatic machine gun or submachine gun for hunting purposes.¹⁴⁴

See [LCAV's policy page on Machine Guns](#) for further information.

¹⁴¹ [Mass. Gen. Laws ch. 140, § 131\(o\)](#).

¹⁴² [Mass. Gen. Laws ch. 140, § 121](#).

¹⁴³ [Mass. Gen. Laws ch. 140, § 123 \(Eighth\)](#).

¹⁴⁴ [Mass. Gen. Laws ch. 131, § 64](#).

Non-Powder Guns in Massachusetts

Massachusetts law prohibits anyone from furnishing an air rifle or BB gun to a person under age 18, except the minor's parent, guardian or adult teacher or instructor. In addition, any person, including a parent, guardian or adult teacher or instructor, is prohibited from selling an air rifle or BB gun to a person under age 18.¹⁴⁵ Massachusetts law also prohibits any person under age 18 from having an air rifle or so-called BB gun in his or her possession while in any place to which the public has a right of access unless:

- He or she is accompanied by an adult; or
- He or she is the holder of a sporting or hunting license and has on his person a permit from the chief of police of the town in which he resides granting him the right of such possession.¹⁴⁶

See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

¹⁴⁵ [Mass. Gen. Laws ch. 269, § 12A.](#)

¹⁴⁶ [Mass. Gen. Laws ch. 269, § 12B.](#)

Ammunition Regulation in Massachusetts

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

Massachusetts law does not regulate or prohibit any types of unreasonably dangerous ammunition. Massachusetts does, however, do each of the following things, as described below:

- Require a license for the purchase or possession of ammunition;
- Impose a minimum age to purchase or possess ammunition; and
- Require a license to sell ammunition.

Licensing of Ammunition Purchasers and Possessors

Massachusetts requires a firearm license to purchase or possess ammunition. Any person with a Class A license is permitted to purchase, rent, lease, borrow, possess and carry all types of lawful firearms, including both large and non-large capacity handguns, rifles, shotguns, and feeding devices and ammunition for these firearms.¹⁴⁷ Class B license holders may purchase, rent, lease, borrow, possess and carry “non-large capacity” handguns, or any rifle or shotgun, including large capacity rifles and shotguns, and feeding devices and ammunition for these firearms.¹⁴⁸

Alternatively, in Massachusetts, any person may purchase and possess rifles, shotguns and “non large capacity” feeding devices and ammunition for rifles and shotguns with a valid firearm identification (FID) card.¹⁴⁹ To purchase a handgun and ammunition for a handgun, a FID card holder must also obtain a permit to purchase a handgun.¹⁵⁰ Massachusetts law penalizes anyone who sells ammunition to a person who does not have the required license(s). For detailed information on licensing requirements for firearm owners in Massachusetts, see the section on [Licensing of Gun Owners or Purchasers](#).

Minimum Age to Purchase / Possess Ammunition

Massachusetts law prohibits selling or furnishing long gun ammunition to anyone under age 18, and ammunition for a handgun, large capacity weapon, or large capacity feeding device to a person under age 21.¹⁵¹ A parent or guardian may, however, furnish long gun ammunition to a child or ward who is age 15 or older and has been issued a Firearm Identification Card or any child or ward if the ammunition is for the supervised use of a rifle or shotgun. An instructor may also furnish long gun ammunition to pupils, if the instructor has the consent of the pupil’s parent or guardian.¹⁵²

¹⁴⁷ [Mass. Gen. Laws ch. 140, § 131\(a\)](#).

¹⁴⁸ [Mass. Gen. Laws ch. 140, § 131\(b\)](#).

¹⁴⁹ [Mass. Gen. Laws ch. 140, § 129C](#).

¹⁵⁰ [Mass. Gen. Laws ch. 140, §§ 131A, 131E](#).

¹⁵¹ [Mass. Gen. Laws ch. 140, §§ 130, 131E](#).

¹⁵² [Mass. Gen. Laws ch. 140, § 130](#).

Ammunition Seller Licensing

Massachusetts requires any person who sells ammunition to obtain a license. The chief of police or the board or officer having control of the police in a city or town may grant a license after a criminal history check, to anyone who is not:

- An alien;
- A minor;
- A person who has been adjudicated a youthful offender, including those who have not received an adult sentence; or
- A person who has been convicted of a felony in any state or federal jurisdiction, or of the unlawful use, possession or sale of narcotic or harmful drugs.

The license must specify the street and number, if any, of the building where the business is to be carried on. The Department of Criminal Justice Information Services (CJIS) conducts the background check, and the local issuing authority must send CJIS a copy of the license.¹⁵³

Alternatively, a sporting or shooting club may obtain a license to sell or supply ammunition for regulated shooting on the premises.¹⁵⁴

Ammunition seller licenses are valid for three years.¹⁵⁵

¹⁵³ [Mass. Gen. Laws ch. 140, § 122B.](#)

¹⁵⁴ *Id.*

¹⁵⁵ [Mass. Gen. Laws ch. 140, § 124.](#)

Investigating Gun Crimes

Massachusetts Microstamping/Ballistic Identification

Massachusetts has no law regarding firearm microstamping or ballistic identification. See [*Regulating Guns in America: Ballistic Identification*](#) for a comprehensive discussion of this issue.

Massachusetts Trafficking

Massachusetts law prohibits any person from using a FID or Class A or B license for the purpose of purchasing a firearm for the unlawful use of another, or for resale of a firearm or giving a firearm to an unlicensed person.¹⁵⁶

Massachusetts prohibits giving a false or fictitious name or address or knowingly offering or giving false information concerning the date or place of birth, his or her citizenship status, occupation, or criminal record when purchasing, renting or hiring a firearm, or making application for any form of firearm license or permit.¹⁵⁷ Massachusetts also generally prohibits knowingly filing an application for a Firearm Identification Card (FID) containing false information.¹⁵⁸

Massachusetts consumer product safety regulations deem it to be an “unfair or deceptive practice” for a handgun-purveyor to transfer or offer to transfer to any customer a handgun on which the serial number has been placed solely in a location on the handgun that results in the number’s susceptibility to eradication. A serial number is deemed no susceptible to eradication if:

- It is placed on the interior of the handgun, and the handgun-purveyor provides information regarding the location of the interior serial number to the Office of the Attorney General and other law enforcement officials upon request; or
- It is placed on the exterior of the handgun in a way that is not visible to the unaided eye, but is visible with the aid of an infrared detector or other device, and the handgun-purveyor provides information regarding the location of the nonvisible serial number or any method by which this number can be made viewable to the Office of the Attorney General and other law enforcement officials upon request.¹⁵⁹

Massachusetts prohibits removing, defacing, altering, obliterating or mutilating the serial number or identification number of a firearm, or receiving a firearm knowing that its serial number or identification number has been removed, defaced, altered, obliterated or mutilated in any manner.¹⁶⁰ It is also unlawful to possess a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner.¹⁶¹

Massachusetts does not specifically penalize a firearms dealer who fails to conduct the federally required background check.

¹⁵⁶ [Mass. Gen. Laws ch. 140, § 131E\(b\).](#)

¹⁵⁷ [Mass. Gen. Laws ch. 140, § 129.](#)

¹⁵⁸ [Mass. Gen. Laws ch. 140, § 129B\(8\).](#)

¹⁵⁹ [940 Mass. Code Regs. 16.03.](#)

¹⁶⁰ [Mass. Gen. Laws ch. 269, § 11C.](#)

¹⁶¹ [Mass. Gen. Laws ch. 269, § 11B.](#)

Massachusetts State Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Boston Field Division \(CT, ME, MA, NH, RI, VT\)](#)

[Massachusetts Attorney General's Office](#)

[Massachusetts Attorney General's Office, Handgun Consumer Protection Regulations](#)

[Massachusetts Department of Criminal Justice Information Services, Firearms Records Bureau](#)

[Massachusetts Department of Public Health, Violence Prevention and Intervention Services](#)

[Stop Handgun Violence](#)