

Summary – An Act Relative to Restoring Civil Rights

Emergency preamble

SECTION 1 – Strikes MGL Ch. 90B § 26(g) to allow for carrying firearms on an ATV.

SECTION 2 – Repeals MGL Ch. 131 § 67 – Repeals outdated anti-poaching law; repealing this section would allow people who hike, hunt, and walk in the woods to possess/carry a firearm a half hour after sunset through a half hour before sunrise (nighttime). The rationale is that self-defense in the woods is just as relevant and important as self-defense in populated areas.

SECTION 3 – Deletes and replaces MGL Ch. 131 § 70 – During shotgun deer hunting season, hunters and non-hunters are currently prohibited from carrying a firearm (read: handgun) on their person. This section would change that law to allow for the carry of firearms for self-defense but not the use of firearms for the purpose of hunting deer.

SECTION 4 – Changes “Licensing Authority” to “Licensing Agent” in MGL Ch. 140 § 121. This change is needed to ensure a statewide, consistent, and constitutional licensing system. Currently the state claims they hold no accountability for the system as a whole or the actions of local authorities acting on behalf of the system.

Further, all references to “Licensing Authority” in the entire text of the bill have been changed to “Licensing Agent.”

SECTION 5 – Standardizes the definition of a “Prohibited Person” for the purposes of all 3 types of gun licenses in the Commonwealth by inserting a new definition into MGL Ch. 140 § 121. This also provides for a single location where the definition can be found in the licensing law.

SECTION 6 – Deletes MGL Ch. 140 § 129B, the Firearms Identification Card licensing provision, and replaces it with new language that removes any references to “suitability” and “good reason” requirements. This section standardizes license issuing conditions with §§ 129B and 131. No changes will be made to the current fee structure and references to “Prohibited Persons” are as defined in Section 5 of this bill.

(2) This section would also include language to allow application through the Massachusetts Gun Transaction Portal, by mail or in-person.

(3) A new provision would be placed in this section where, if 40 days after the date of application, no license has been issued or denied, the license shall be issued automatically upon the applicant’s request.

(5) A new provision would be placed in this section where, along with a receipt, once an application is made, an applicant would receive a copy of what we have termed the “Firearms License Applicant’s Bill of Rights” which includes the following language:

You have the right to apply for a License to Carry or Firearms Identification Card in the town in which you live, or own a primary business. Chapter 140 Section 129B, 131 The Licensing Agent, or the Massachusetts Gun Transaction Portal, must provide a receipt at the time the application is made. Or, in the case of an application made by mail, the applicant shall receive a receipt within 7 days. Chapter 140 section 129, 131(e) The Licensing Agent has 40 days from the date of application to issue the license, or provide a letter explaining why you were denied. Chapter 140 Section 129, 131(e) Following the expiration of said 40-days, if the license has not been issued or denied, it shall issue automatically upon your request. You have the right to appeal a license denial within one year at your local district court. Chapter 140 section 129(5), 131(f)

SECTION 7 – Deletes MGL Ch. 140 § 131, the License To Carry licensing provision, and replaces it with new language that removes any references to “suitability” and “good reason” requirements. This section standardizes license issuing conditions with §§ 129B and 131. No changes will be made to the current fee structure and references to “Prohibited Persons” as defined in Section 5 of this bill.

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SECTION 8 – Deletes MGL Ch. 140 § 131F, the non-resident license to carry (currently called the “Temporary LTC”) licensing provision, and replaces it with new language that removes any references to “suitability” and “good reason” requirements. It also extends the length of time a license is valid from one (1) calendar year, to six (6) years.

Makes the license scheme a “shall issue” process – if the objective tests prescribed in *Bruen* are met. Applicants are still subject to the “prohibited person” standards.

SECTION 9 – Repeals MGL Ch. 140 § 131P; the training requirement to get a license in the Commonwealth would be removed.