

Legislation Still on the Loose!

While GOAL has been dealing with all the Second Amendment crises caused by the COVID-19 shutdowns, we cannot forget that there is still very dangerous legislation on the loose. Well before the State House was closed to the general public, several anti-civil rights bills were reported out favorably by the Joint Committee on Public Safety.

It is important to maintain vigilance against these attacks. This is especially true considering how the Baker Administration and the Healey AG office outright attacked our civil rights community during a public health crisis. They joined forces to shut down virtually everything Second Amendment related.

Firearm retailers and shooting ranges were ordered closed even after the federal guidelines listed them as “essential”. Mandatory firearm training courses were shut down. Cities and towns refusing to process new firearm license applications. It was not until a federal judge ordered the state to open retailers did things start to change.

When it was “inconvenient” the state shut down all access to its own mandates to exercise our Second Amendment civil rights. Now, the legislature may be piling on to that list of mandates that can be blocked at any time.

Below are letters and articles that GOAL has produced on the bills we are facing.

Docket / Bill No.	Document Title	Sponsor	Notes
H2091	An Act requiring live fire practice for a firearms license	Linsky, David Paul (HOU)	House Ways & Means
H2096	An Act relative to 3D printed weapons and “ghost guns”	Linsky, David Paul (HOU)	House Ways & Means
H3843	An Act relative to ghost guns	Decker, Marjorie C. (HOU)	House Ways & Means
H2092	An Act relative to universal background checks for private gun sales	Linsky, David Paul (HOU)	House Ways & Means

Live Fire Arguments Debunked

The following are two letters sent to the legislature debunking any argument in favor of live fire mandates.

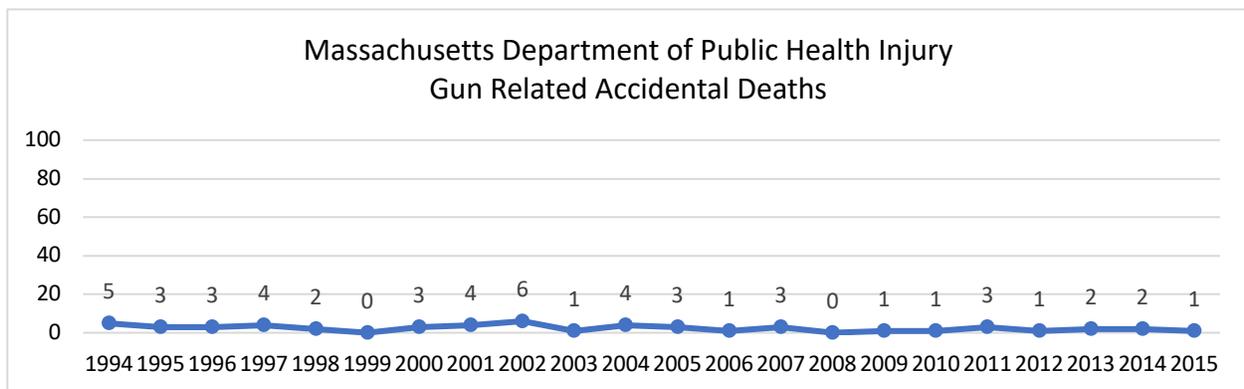
Letter #1

Dear Legislator,

Some of you have approached Gun Owners' Action League concerning a recent legislative proposal that would mandate live fire training for those who seek to acquire a Massachusetts License to Carry (LTC) or Firearm Identification Card (FID). Other than this being another roadblock to our civil rights and especially for citizens of low income, our first question is:

What problem exists that this proposal is supposed to solve?

The simple answer is that there isn't one.



Massachusetts gun owners have an exemplary safety record and have had so well before the current mandates of training established in 1998. In 1994 the state, through the Massachusetts Department of Public Health's Injury Surveillance Program, began tracking a host of injuries and deaths by many different means. Since the reports became public, it has become quite clear that the Commonwealth does not statistically have an accidental gun death problem. That may seem harsh to the very few families that are affected by these rare tragedies, but when viewed with other accidental deaths there is no comparison.

In the latest ISP report (2015) **Massachusetts lost 1,751 to overdoses/poisons, 732 to falls and 416 people to transportation related accidents.** Only one person was killed that year in a gun related accident and the data does not reflect if that may have been a result of criminal activity. There are approximately 11 times more licensed drivers than licensed gun owners, yet the **accidental death comparisons are 416 to 1!**

Of the very few gun-related accidental deaths that happen annually, our observation is that they are most likely unlawful gun owners that will not be curtailed by any law. The evidence clearly shows that Massachusetts gun control laws, including mandatory gun storage laws, have had no effect on accidental deaths.

Gun Safety Education

The **exemplary safety record of gun owners**, specifically in Massachusetts, is due directly to the dedication of our cadre of instructors from the National Rifle Association (NRA), GOAL, and our affiliated clubs around the state. These are the people that provide first class gun safety education without the help, or rather the interference, of government.

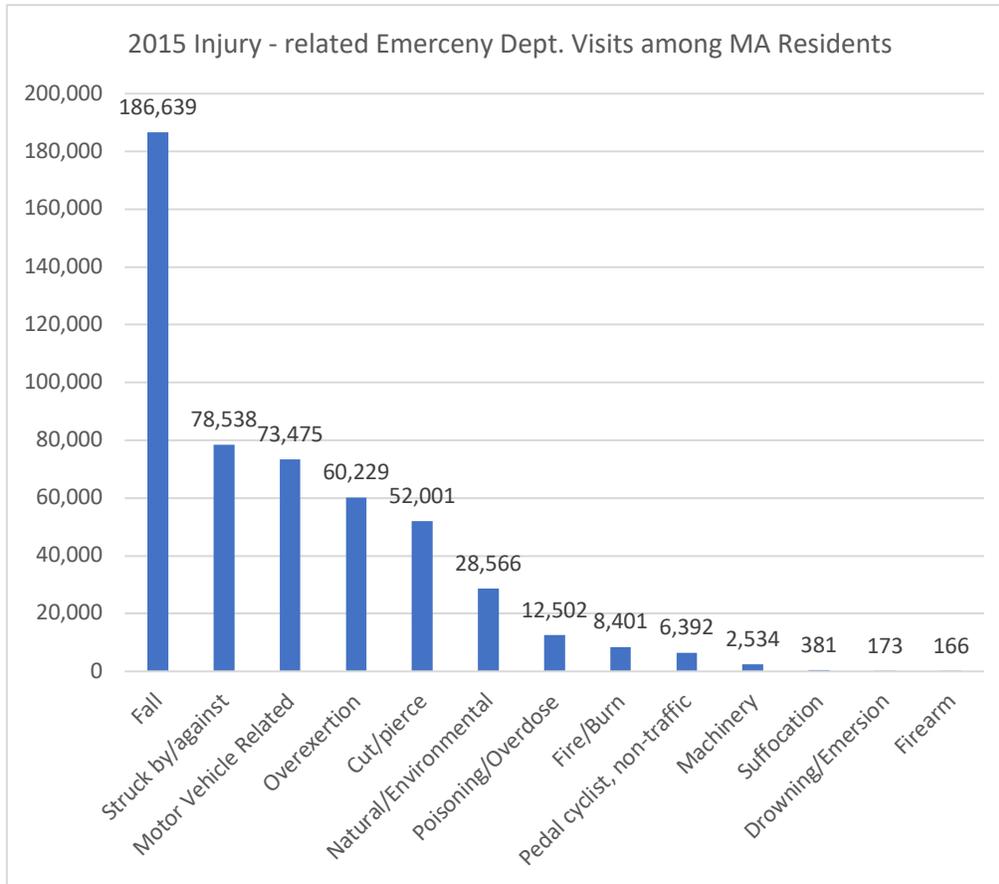
On the other hand, it is clear that the Commonwealth is not interested in supporting gun safety education. Of the millions of dollars collected annually through gun license fees, the State does not dedicate a single penny to safety education. As an example, in the 2014 gun bill, language was added that mandated the State Police conduct Public Service Announcements (PSAs). This effort was supposed to educate the public on the safe storage of guns and the importance of and how to seek out gun safety training. Five years later, not a single PSA.

Rather than the Commonwealth passing another useless law, we would respectfully suggest that we put our collective efforts to matters of truly great importance. The overwhelming drug (opioid) epidemic, violent crime, and meaningful suicide prevention. I would strongly suggest your support of the following two pieces of legislation. These bills would begin to address three areas that desperately need attention without placing needless mandates on good people.

Letter #2

It has come to Gun Owners' Action League's (GOAL) attention that a communication was forwarded to the members of the legislature from Representative Linsky regarding the supposed need for live fire training. As GOAL stated in a previous letter regarding the proposed legislative change, we firmly believe there is simply no data to back up such a requirement. As this most recent communication uses data on "firearm" injuries resulting in emergency room visits, we would like to provide our perspective of that particular report.

According to the 2015 Massachusetts Injury Surveillance Program on "Injury-related Emergency Department Visits among Massachusetts Residents" there were a total of 660,000 visits to Emergency Rooms (ERs) that year. Of that total, 166 were reported as "firearm" related – 0.025%. Of all the ER visits in the Commonwealth in 2015 only a quarter of one tenth of one percent were firearm related. With well over 400,000 lawful gun owners in Commonwealth, that is an impeccable safety record.



Some have compared the proposed live mandate to driving a car before one gets a license. First and foremost owning and driving a car is not a civil right. The Second Amendment clearly is. However, if we were to compare the two, there are approximately 11 times more licensed drivers than gun owners in the

state. Using the ER visits for reported firearms injuries there should be around 1,826 motor vehicle injuries. There were actually 73,475 motor vehicle injuries that led to ER visits in 2015. That equates to about **442 times as many injuries**, not 11.

One issue with using the number of ER visits as a means of support for a policy change is very clear. Are these reported injuries from lawfully owned firearms and licensed gun owners? The answer is not provided. It is our speculation that the bulk of these injuries are caused by criminal actions or at least criminals carelessly handling firearms and causing accidents. This being the case the policy change in question would provide no solution. Even if it did, does the State really want better trained criminals?

Gun Owners' Action League (GOAL) has an incredible network of high quality firearm safety instructors, hunter education instructors and range safety officers across the Commonwealth. If even one lawful gun owner was harmed from, what is called in our world, an accidental discharge (AD), it is highly likely that we would know about it. If we were notified, GOAL and its network would address the situation as soon as possible to determine the cause and any further safety needs.

Yet another problem with using ER visits is, what constitutes a firearm related injury. Does it mean that someone was accidentally shot? It is not clear. Several years ago one of our shooters received a small cut on his forearm from a ricocheted bullet fragment. It is rare, but it does

happen, that is why we always stress wearing eye protection. Doing due diligence, the person was brought to the ER. A little more than a bandaid later, he was on his way. Still, this very small cut was reported by the ER as an accidental gunshot wound. Hardly an incident worthy of justifying another mandate on lawful citizens.

When looking at all the facts involved, lawful gun owners have an unmatched safety record. This is because of the training provided by our network of safety instructors and volunteers. Even with this impressive record, GOAL and our network are constantly looking to improve our training. We have always encouraged lawful gun owners to obtain training and always will, but **no problem exists that would require further government mandates.**

Ghost Gun Arguments Exorcised

There is currently a new effort underway to create more unnecessary gun laws both nationally and locally (Massachusetts) concerning so-called "Ghost Guns". This is yet another invented term designed to scare the general public that is not aware of the laws that already exist. It is supposedly to address the notion that lawful citizens are "manufacturing" guns without the government's permission. What the average citizen is probably not aware of is that we have had that right all along.

Historically, the government only cares if we are making guns and then transferring, or selling, them to others. In this instance one officially becomes a "manufacturer". When that happens, there are a host of federal laws that come into play including 27 CFR § 478.11 and U.S.C. 18 Chapter Code 44 that clearly define and regulate the matters involved.

Aside from that, there is a long history of lawful citizens making their own guns. This goes all the way back to folks who had the skills to build a rudimentary muzzleloader up to modern times. It is very common for firearms owners to buy a mix of parts to custom build a gun to their specific needs or wants. It is perfectly legal and is not a threat to public safety.

The other big attempt to scare the general public is the perceived threat of guns that can be made by modern 3-D printers. The anti-civil rights crowd has ramped up a fear campaign that criminals will be armed with plastic guns built in their basements. Since it is already illegal for a prohibited person to possess any modern gun, why are people wasting time making something more illegal? There is also the problem of making something that works on high internal pressures entirely out of light plastic. That aside, so-called "undetectable" guns are already a prohibition under existing federal law.

In 1988 Congress passed into law what is known as the Federal Undetectable Firearms Act (UFA). (Codified as 18 U.S.C. § 922(p)) The law essentially criminalizes guns that are made in such a way that evades detection through normal security procedures, typically airport screening. The law was supported by the National Rifle Association (NRA).

The law, with limited exceptions, prohibits any person from manufacturing, importing, shipping, selling, delivering, possessing, transferring, or receiving any firearm:

(A) that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B) any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component.

Next on their list is the supposed lack of serial numbers on self-made guns. For the most part this is an empty argument. Massachusetts has spent a century, since 1911, tracking handgun ownership via serial numbers. The government would likely be hard pressed to provide criminal cases that were resolved using these databases. The vast majority of guns in criminal hands happen through illicit dealing thus making serial numbers moot.

If a lawful citizen wants to build a gun with various parts, most start with a frame and build from there. Manufacturers that sell frames to the general public must comply with federal laws and regulations including 27 CFR § 478.92. This regulation clearly outlines the means by which a licensed manufacturer must have serial number on frames.

BATFE advisor on 27 CFR § 478.92: <https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-ammunition-firearms-verification-overview>

For the record, it is already a violation of federal law (18 U.S.C. 922) and state law (Chapter 269, Section 11C) to alter or destroy the manufacturer's serial numbers on a gun. To do so comes with severe penalties. Additionally, Massachusetts' state law Chapter 269, Section 11B adds a penalty of up to five additional years in prison for committing a felony while in possession of a gun with serial numbers that have been tampered with.

As for privately made guns that are legitimately for private use only, there are no requirements to apply a serial number to the gun. Since it is extraordinarily rare for a lawful gun owner to commit a crime, there is no reason to demand it.

Ending Private Firearm Transfers

Dear Legislator,

As you may be aware there are legislative proposals to place further restrictions on licensed citizens wishing to conduct lawful transfers within the Commonwealth. GOAL is **opposed** to this measure.

Currently under Massachusetts law, Chapter 140 Section 128A, only a resident that has gone through a very extensive background check and licensing process may transfer guns in Massachusetts. A License to Carry (LTC) or a Firearms Identification Card (FID) can be revoked immediately if the holder commits a prohibiting act.

A properly licensed person within the Commonwealth is already limited to only **four** “private” gun transfers in a calendar year. Anything beyond that must be done through a licensed retailer.

If a resident has made it through the stringent licensing process in the Commonwealth there are very strict laws that in place that must be followed. The following is required in order for a “private” transfer to be legal under Section 128A:

- The department of criminal justice information services shall require each person selling or transferring a firearm, shotgun or rifle pursuant to this section to electronically provide, through the portal, such information as is determined to be necessary to verify the identification of the seller and purchaser and ensure that the sale or transfer complies with this section.
- **Upon submission of the required information, the portal shall automatically review such information and display a message indicating whether the seller may proceed** with the sale or transfer and shall provide any further instructions for the seller as determined to be necessary by the department of criminal justice information services.
- The department of criminal justice information services shall keep a record of any sale or transfer conducted pursuant to this section and shall provide the seller and purchaser with verification of such sale or transfer.

It is important to note that so-called private transfers cannot legally take place between persons living in different states. Under federal law 18 USC 921, 922 any person wishing to purchase/transfer a gun in another state must do so through a federally licensed retailer. If the item in question is a handgun, the handgun must be transferred from a licensed retailer in the state of purchase to a licensed retailer within the state of the purchaser. Only after the local retailer has met all the requirements of state and federal laws, including background checks, can the purchaser take possession of the handgun.

If a properly licensed Massachusetts resident wishes to obtain a rifle or shotgun from another state it must be done so through a licensed retailer. Such rifle or shotgun must comply with all Massachusetts law if the gun is to be brought back into the Commonwealth. After the paper work

and background checks are completed, the purchaser may take possession of the gun. Once in possession, the Massachusetts resident has up to seven days to report the transfer to the state (Chapter 140, Section 128B).

Under Massachusetts law, a non-resident even one who possesses a non-resident LTC is prohibited from obtaining (purchase or transfer) any guns or ammunition within the Commonwealth (Chapter 140, Section 131E).

With an overly restrictive process already in place, **what problem exists that this proposal is supposed to solve?**

The only valid reason to even put forth such a proposal is if there are well documented cases of criminals obtaining guns through the existing legal process. To date, no such evidence has been made available.

As I stated in a previous letter, rather than the Commonwealth passing another useless law, we would respectfully suggest that we put our collective efforts to matters of truly great importance. The overwhelming drug (opioid) epidemic, violent crime, and meaningful suicide prevention. I would strongly suggest your support of the following two pieces of legislation. These bills would begin to address three areas that desperately need attention without further restricting good people.