

Gun Owners' Action League

HD.4607 – Breakdown by Subject Matter

October 7, 2023

This new version of the bill was supposedly drafted in consideration of the concerns expressed about the original. While there were some changes for sure, they only managed to make a very toxic anti-civil rights bill and little less toxic.

There is still a lot of detail to get through, especially the tremendous expansion of the so-called “Red Flag” laws, but here is a quick run-down of what we have found to this point.

Assault Style Firearms

The new version does provide some limited grandfathering. However, it is very confusing as it separates pre-1994 and a new a August 1, 2024 rule. The pre-1994 language places very confusing strict language on where the items can be possessed.

It still includes a massive list of newly banned guns. It does seem to exclude rimfire guns.

The “one feature test” for semi-autos is still present in this version. In addition to the old features, this would include:

- thumbhole stocks,
- shroud that encircles either all or part of the barrel designed to shield the bearer’s hand from heat, excluding a slide that encloses the barrel,
- A forward grip or second handgrip or protruding grip that can be held by the non-trigger hand.

Grandfathering for possession, but not transferring, within the commonwealth on August 1, 2024

New pre-September 13, 1994 rules for certain guns and magazines

- On private property owned or legally controlled by the person.
- On private property that is not open to the public with the express permission of the owner or owner’s authorized agent.
- While on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair.
- At a licensed firing range or sports shooting competition venue.
- While traveling to and from these locations; provided, that the large capacity feeding device is stored unloaded and secured in a locked container.
- A person authorized under this chapter to possess a large capacity feeding device may only transfer the device to an heir or devisee, a person residing outside the commonwealth, or a licensed dealer.

Common Long Gun

This term was first seen in the original bill. It would seem to ban the purchase, and maybe possession of a semi-automatic for anyone under 21. The only exemption for large capacity firearm or semiautomatic rifle and shotgun is under the direct supervision at a licensed club. That means no semi-automatics for anyone under 21 for hunting and use at unlicensed clubs.

Large Capacity Feeding Device

The new definition of this includes - Any part or combination of parts from which a device can be assembled if those parts are in the possession or control of the same person. So, apparently if you have a box and a spring there is a crime.

Large Capacity Firearm

Some concerning language here - semiautomatic that is capable of accepting a detachable large capacity feeding device when both are in the same person's possession or under their control in a vehicle.

Licensing Authority

If a municipality does not have a licensing chief or officer, the applications will be handled by the State Police. It is not clear if that means the local can just opt out and hand it over the State Police.

Receiver Definition

The bill includes a new definition of "Receiver" as the part of a rifle or shotgun that provides housing or a structure for the primary component designed to block or seal the breech prior to initiation of the firing sequence, even if pins or other attachments are required to connect such component to the housing or structure.

Secured Locked Container

This definition was changed from HD.4420 to - at a minimum the container must be capable of being unlocked only by means of a key, combination or similar means, including in an unoccupied motor vehicle, a locked trunk not accessible from the passenger compartment, a locked console or locked glovebox.

Interestingly they now include a console or glove box.

Serial Numbers

The language places limitations on who can apply serial numbers to a federally licensed firearms manufacturer, importer, or dealer who is authorized by federal law to serialize firearms, or a serial number issued by the director of the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice or the department of criminal justice information services.

It also set standards for serialization including - must be placed in a manner not susceptible of being readily obliterated, altered or removed. Anything made from non-metallic materials must have a metal plate permanently embedded in the material of the frame or receiver.

Requires new residents moving into the commonwealth or acquired by heirs must be serialized within 60 days and registered.

Prohibits assembling a privately made firearm without obtaining a unique serial number from the department of criminal justice information services prior to manufacture or assembly.

Triggers

A ban and definition of “Trigger modifier”, any modification that repeatedly activates the trigger of a firearm including, but not limited to, trigger cranks, binary triggers and hellfire triggers.

Licensing/Prohibited Persons

Removes the 90 day grace period for expired licenses.

Adds to the prohibited list a Biden initiative for anyone who has been appointed a guardian or conservator.

It also reaffirms “suitability” in an apparent violation of *Bruen*. Suitability will not apply to a “long permit” unless the licensing authority petitions a court.

Mandatory Registration

The language essentially mandates the serialization and registration of all firearms possessed in Massachusetts.

It specifically excludes nonresidents passing through but must meet Massachusetts storage requirements.

A new requirement is to report the “loaning” of a firearm.

It appears that retailers would have to register any new inventory within seven days.

Gun Use Data

It requires the state to gather a huge list of data points on the legal and criminal use/possession of firearms and make that data available to the public.

Mandatory Firearm Safety Training

The mandates from HD.4420 are still in place, but are sort of hidden under the qualifications of an instructor.

- The safe use, handling and storage of firearms.
- Methods for securing and childproofing firearms.
- The applicable laws relating to the possession, transportation and storage of firearms.
- Knowledge of operation, potential dangers and basic competency in the ownership and use of firearms.
- Injury prevention and harm reduction education.
- Active shooter and emergency response training.

- Applicable laws relating to the use of force.
- De-escalation and disengagement tactics.
- Live firearms training.

Mandatory Licensing Authority Training

The language once again places mandatory training requirements on law enforcement with heavy penalties for noncompliance. Including licensing responsibilities; record keeping obligations, firearm surrender, registration, and tracing etc.

Mandatory Firearm Retailer Training

- Complete a dealer training program developed and offered online by the executive office of public safety and security including:
 - Uniform standards of security for business premises.
 - Employee background check and training requirements.
 - Information on requirements and conditions contained in the revised laws.

Large Capacity Firearm

- No person shall possess a loaded firearm in a vehicle unless the firearm is under the direct control of the person.
- No person shall possess a large capacity firearm or machine gun in a vehicle unless it is unloaded and secured in a locked container.
- Exemptions for law enforcement and other government agents within their “official duties” only.

Safe Storage

- It shall be unlawful to store or keep any firearm in any place unless such firearm is secured in a locked container as defined in section 121 or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render the firearm inoperable by any person other than the owner or other lawfully authorized user. For purposes of this section, such firearm shall not be deemed stored or kept if carried by or under the direct control of the owner or other lawfully authorized user.

Retailers

- Common carriers are only exempt for handling non-large capacity firearms and ammunition. FFLs who can sell non-Mass compliant items cannot ship them within Massachusetts.
- Applies “suitability” to retailer licenses.
- Must complete online retailer training.
- Must post information on safe storage and transportation.
- If a retailer is given an expired, suspended or revoked license or permit they must:
 - immediately report all firearm transfers and transactions,
 - confiscate the license,
 - issue the license or permit holder a receipt,

- notify the person of their duty to surrender all firearms and ammunition.

New Record Keeping

- Must keep onsite records that are open to inspection by police.
- Must report and keep records of any sold, rented, leased or otherwise transferred firearm or feeding device or ammunition.
- Record whether the firearm, feeding device or ammunition has been sold, rented or leased.
- Any purchaser, renter or lessee's must personally write their name in the sales record book and as confirmed by valid state or federal identification.
- Annual retailer inspections by the State Police including records, inventory & policies and procedures.

Firearm Control Advisory Board

Changes the makeup and duties of the current Gun Control Advisory Board. The director of the firearms record bureau, current member, but will now serve as the chair.

It adds the following members:

- The attorney general or designee.
- 1 member appointed by the speaker of the house of representatives.
- 1 member appointed by the president of the senate.
- 2 members appointed by the governor, 1 of whom shall be a member of the gun owners action league and 1 of whom shall be a police chief selected from a list of four chiefs provided by the Massachusetts chiefs of police association.
- The armorer of the department of state police or designee.

New Duties

- Advise the state on firearm control provisions of this chapter,
- Advise the state on training needs and materials for licensing authorities and all license holders.

Manufacturer Liability

There is a backdoor manufacturer liability under the "safety devices" section. It seems to open the door for accidental or self-inflicted injuries for anyone under 18.

Red Flag Laws

Massive expansion of these laws. Somewhere around 8 sections. Drastically expands the people who can file a petition against a lawful gun owner and other provisions that we still need to go over in detail.

Prohibited Areas

Prohibited Areas still include any government property, polling places, school building - grounds – transportation, any private property not open to the public. The transportation could be tough as some municipalities and universities use public transportation to get students to school.

- Exempt if given expressed authorization by the property owner.
- Still applies to off duty law enforcement.

Nonresidents

- Nonresident law enforcement prohibited from possessing “assault style firearms”.
- Eliminates nonresident licenses and nonresident junior hunting.
- A nonresident at least 18 years and can only possess common long guns and ammunition if the nonresident has a permit or license issued from their state of residence. That license must meet requirements of a Massachusetts license with the following exemptions.
 - to hunt during hunting season with a nonresident hunting license or a hunting license or permit lawfully issued from their state of residence which has substantially similar requirements to those in section 11 of chapter 131;
 - while on a firing or shooting range
 - while traveling in or through the commonwealth, provided that they are unloaded and secured in a locked container in accordance with sections 126B and 126C
 - while at a firearm showing or display organized by a regularly existing gun collectors’ club or association.
- Nonresident Junior shooters/hunters under 18 cannot possess a pistol or revolver for any purpose.
- Nonresidents traveling in or through the commonwealth for the purpose of hunting, they also have on their person a hunting or sporting license issued by the commonwealth or by their destination state.
- A nonresident may carry a firearm on their person while in a vehicle lawfully traveling through the commonwealth, provided, however, that the firearm may not leave the vehicle and if the firearm is outside its owner’s direct control it must meet safe storage requirements.

Exemptions

- Common carriers are only exempt for handling non-large capacity firearms and ammunition. So FFLs who can sell nonMass compliant items cannot ship them within Massachusetts.
- Reduces the time an heir of an estate has to transfer firearms and ammunition from 180 days to 60 days.
- Restricts the possession of a firearm or ammunition of an unlicensed person while under direct supervision by a licensed person inclusive only for a “particular purpose and limited time”, but it doesn’t define what that purpose or time is.
- Exempts professional photographer, writers and other media/movie/theater staff under certain circumstances.
- Restricts signaling/distress devices to over 18.

Private Transfers

- Adds ammunition to the limit of four private transactions per calendar year.

Curio and Relic

Someone licensed as a bona fide collector can only purchase any type of firearm through a licensed Massachusetts retailer. It seems to eliminate private transfers under this type of license.

New Definition - "Curio or relic firearms", firearms which are of special interest to collectors because they possess some qualities not ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons.