

HOUSE No. 3843

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to ghost guns.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------------------|-----------------------|
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> |

HOUSE No. 3843

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3843) of Marjorie C. Decker, Mary S. Keefe and David Henry Argosky LeBoeuf relative prohibiting ghost guns, so-called, that allow gun pieces to be legally purchased or made to create firearms that lack serial numbers. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to ghost guns.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 269 of the General Laws is hereby amended by inserting after section 11E the
2 following section:-

3 Section 11F. (a) For the purposes of this section, the following terms shall have the
4 following meanings, unless the context clearly requires otherwise:

5 "Assembly" means the fitting together of the component parts of a firearm to construct a
6 firearm; but shall not apply to restoration of antique firearms, nor the replacement of existing
7 parts of a completed firearm.

8 "Department" means the department of criminal justice information services.

9 "Firearm" means a firearm as defined in section 121 of chapter 140, and shall include any
10 sawed-off shotgun, machine gun, rifle or shotgun as defined therein, whether loaded or unloaded

11 from which a shot may be discharged, and any unfinished frame or lower receiver as herein
12 defined.

13 "Frame or lower receiver" means the part of a firearm that provides the action or housing
14 for the hammer, bolt or breechblock and firing mechanism, and includes a frame or lower
15 receiver blank, casting or machined body that requires further machining or molding to be used
16 as part of a functional firearm, and which is designed and intended to be used in the assembly of
17 a functional firearm.

18 "Licensing authority" shall have the same definition as provided in section 121 of chapter
19 140.

20 "Manufacture" means to newly fabricate or construct a firearm.

21 "Person" means a human being, and, where appropriate, a public or private corporation, a
22 limited liability company, an unincorporated association, a partnership, a government or a
23 governmental instrumentality, but shall not include a licensed firearm manufacturer or dealer.

24 "Possess" means to have physical possession or otherwise to exercise dominion or control
25 over tangible property.

26 (b) No person shall complete the manufacture or assembly of a firearm without: (1)
27 obtaining a unique serial number or other mark of identification from the department of criminal
28 justice information services pursuant to subsection (i); and (2) engraving upon or permanently
29 affixing to the firearm such serial number or other mark in a manner that conforms with the
30 requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to
31 18 U.S.C. section 923(i), as amended from time to time, and any regulation adopted thereunder.

32 (c) No person shall complete the manufacture or assembly of any firearm from polymer
33 plastic, unless such plastic is embedded with at least 3.7 ounces of material type 17-4 PH
34 stainless steel and such firearm is engraved or otherwise marked with a unique serial number or
35 other mark of identification obtained by said person from the department pursuant to subsection
36 (i).

37 (d) Not later than 30 days after a person completes manufacturing or assembling a
38 firearm pursuant to this section, such person shall notify the department and provide any
39 identifying information to said department concerning the firearm and the owner of such firearm,
40 in a manner provided by the commissioner of criminal justice information services .

41 (e) No person shall transfer to another person any firearm manufactured or assembled in
42 accordance with this section, except as provided in clause (2) of subsection (f).

43 (f) This section shall not apply to: (1) manufacture or assembly of firearms by a federally
44 licensed firearm manufacturer; or (2) delivery or transfer of a firearm to a law enforcement
45 agency. Any firearm delivered or transferred to a law enforcement agency pursuant to this
46 subsection shall be destroyed by the law enforcement agency.

47 (g) No person shall knowingly facilitate, aid or abet the manufacture or assembly of a
48 firearm pursuant to this section by a person or for a person who is otherwise prohibited by law
49 from owning or possessing a firearm.

50 (h) Any person who violates any provision of this section shall be guilty of a felony and
51 punished by not less than 2 years imprisonment in the state prison, and a fine of not less than
52 \$5,000, unless the court states on the record its reasons for remitting or reducing such fine; and
53 any firearm found in the possession of any such person in violation shall be forfeited.

54 (i) The department of criminal justice information services shall develop and maintain a
55 system to distribute a unique serial number or other mark of identification to any individual
56 requesting such serial number or mark pursuant to this section, in accordance with applicable
57 federal law and regulations. Upon an application made by a person for a serial number or mark
58 for a firearm pursuant to this section, which shall include any information required by the
59 department, the department shall confirm with the appropriate licensing authority that the
60 applicant is authorized to possess such firearm and possesses a valid license or firearm
61 identification card as required under chapter 140. Upon issuance of a serial number or mark, the
62 department shall maintain identifying information of the person requesting the number or mark
63 and of the firearm for which each such number or mark is requested.

64 (j) The department of criminal justice information services shall promulgate regulations
65 to carry out this section.