



# Boxborough Police Department

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Richard G. Vance, Jr.  
Chief of Police

## APPLICATION INFORMATION FOR LICENSE TO CARRY FIREARMS OR FIREARMS IDENTIFICATION CARD

Dear Applicant,

Contained herein is the basic information you will need in order to apply for a License to Carry Firearms (LTC) or a Firearms Identification Card (FID).

Please read the information sheets carefully, for there have been numerous changes in the law relative to the possession and use of firearms, rifles, and shotguns since 1998. Also, the Boxborough Police Department has made several procedural changes to accommodate the computerized processing of applications as required by the Commonwealth of Massachusetts.

1. To apply, applicants must be:
  - For a License to Carry (LTC):
    - A citizen 21 years of age or older;
  - For a Firearms Identification Permit (FID):
    - A citizen 18 years of age or older (ages 15 to 18 with the parent's or guardian's written consent); or
  - A naturalized citizen within the above age restrictions (applicant must present proof of naturalization); and
  - A resident of Boxborough or proprietor of a place of business in Boxborough; and
  - Not subject to any exclusion as listed in sections 7 and 8 of this document.
  
2. Types of permits you can apply for:
  - LTC Class A: Allows the holder to carry large capacity rifles, shotguns, and firearms (handguns). Firearms may be concealed.
    - Large capacity means any weapon that can hold the number of rounds listed below in the weapon itself and/or in a magazine which can be attached to the weapon:
      - Shotguns: Five (5) or more rounds;
      - Rifles: Ten (10) or more rounds; and
      - Firearms (handguns): Ten (10) or more rounds.
  - LTC Class B: Allows the holder to carry non-large capacity rifles, shotguns, and firearms (handguns). Firearms may not be concealed.
    - Non-large capacity means any weapon that cannot hold the number of rounds listed as a large capacity weapon.
    - .22 caliber weapons, regardless of the number of rounds that can be held, will not be considered large capacity.
  - FID Class C: Allows the holder to carry non-large capacity rifles and shotguns.

- FID Class D: Allows the holder to carry chemical spray only.
3. Expiration dates:
- Look carefully at the expiration date on your permit. Laws have changed. Some permits are good for 4 years, more recent ones for 6.
  - There is no grace period on LTC or FID permits issued prior to the time the 6 year expiration law took effect.
  - Your new permit will be good for 6 (six) years, with a ninety (90) day grace period.
4. Costs:
- The application fee for each permit, be it an LTC or FID, is \$100.00.
  - Permits for chemical spray only are \$25.00, with no class requirement.
  - There is no application fee for those over 70 years of age, per State law.
  - Should your application be denied, all fees are forfeited.
5. Required course:
- The Basic Handgun Safety Course is required for all applicants applying for any LTC, or a Class C FID permit.
6. New Applicants:
- Proof of no record, or a copy of the applicant's criminal history will be obtained from the Massachusetts Board of Probation by the police department.
  - If you have no current LTC, FID or have never had one, and are applying for one, you will need to obtain two (2) letters of recommendation.
    - The letters must be from a responsible person stating that, in their opinion, the applicant is a fit person to be licensed to carry a firearm;
    - The letters must be on letterhead; and
    - The letters must contain the word "firearm".
7. Disqualifying factors:
- Applicants for a FID are disqualified from obtaining one:
    - For life, if they have been:
      - Convicted of a violent crime;
      - Convicted of any offense involving trafficking in weapons; or
      - Convicted of any crime involving trafficking in drugs.
    - For five (5) years following the termination of a sentence, parole, or probation for any:
      - Conviction of a felony;
      - Conviction of a misdemeanor punishable by two (2) or more years in a house of correction;
      - Conviction of any weapons or ammunition violation;
      - Conviction of any drug offense;
      - Confinement to any hospital/institution for mental illness; or
      - Confinement to any institution for drug addiction or habitual drunkenness.
  - Applicants for a LTC are disqualified from obtaining one:
    - For life, if they have been:
      - Convicted of any offense which disqualifies them from obtaining a FID for life;
      - Convicted of any offense which disqualifies them from obtaining a FID for five (5) years;

- Additional exclusions which will prevent one from obtaining a LTC include:
  - Being under twenty-one (21) years of age;
  - Not being a “suitable person” as determined by the Chief of Police.

8. Other exclusions:

- A person under 21 years of age cannot obtain a License to Carry under any circumstances;
- A person between 15 and 18 years of age must have a parent’s written consent in order to be eligible for an FID card;
- Aliens are not eligible;
- A person currently subject to a Restraining Order is not eligible;
- A person currently subject to an outstanding Arrest Warrant is not eligible.

Should you have any questions about the application process, please feel free to contact Sergeant Warren B. Ryder or Sergeant Stephen Trefry.

Sincerely yours,

Richard G. Vance, Jr.  
Chief of Police



# Firearms F.A.Q.



## 1. WHAT DOES A LICENSE TO CARRY ALLOW ME TO DO?

This license allows you to purchase, possess, use and carry large and non-large capacity firearms, rifles, shotguns, feeding devices and ammunition, as well as chemical sprays.

## 2. HOW SHOULD I CARRY MY FIREARM?

It is recommended, that a licensee, who carries a firearm carry it in an enclosed case. If the licensee holds a class A license it is also recommended that they conceal the firearm from public view.

## 3. IF I AM LAWFULLY CARRYING A CONCEALED FIREARM, AND I AM CONFRONTED BY THE POLICE, WHAT SHOULD I DO?

If confronted by police for any reason, it is recommended that an armed licensee keep both hands in clear view and inform the officer that he or she is licensed to carry a firearm and is presently carrying one on his or her person. The licensee should then take direction from the officer to ensure a safe outcome to the encounter.

## 4. DOES A LTC ISSUED FOR "ALL LAWFUL PURPOSES" ALLOW ME TO DO ANYTHING I WANT WITH A FIREARM AS LONG AS I DO NOT VIOLATE THE LAW?

NO. All licensees are expected to behave not only lawfully, but also responsibly. This means that your firearm must be used and carried not only lawfully, but also in a safe and appropriate manner. You should not display or allow your firearm to be displayed inappropriately in a public place so as to frighten or alarm those present. Such an incident is likely to result in the police being dispatched to a call for a "Man With A Gun", and will require police intervention to determine that the firearm is being possessed or carried in a lawful manner. The licensee must understand that the commission of ANY inappropriate, unsafe, threatening or unlawful act while carrying a firearm may result in the immediate revocation of the license

## 5. WHAT IS AMMUNITION? WHAT DO I NEED TO LAWFULLY POSSESS AMMUNITION?

Pursuant to c. 140§121, the term ammunition is defined as cartridges or cartridge cases, primers (igniter), bullets, or propellant powder designed for use in any firearm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridges, chemical mace or any device or instrument which contains or emits a liquid, gas, powder or any other substance designed to incapacitate. This definition will include pepper spray

EDITORS NOTE: To lawfully "carry" MACE® or any other substance falling into this definition, a person must have an FID card. Please refer to c. 140§129B. However, under c.140§129C, a LTC will also entitle a person to purchase or carry ammunition.

## 6. WHAT IS A CONVICTION?

Pursuant to c.140§121, conviction is defined as a finding or verdict of guilt or a plea of guilty, whether or not final sentence is imposed.

IMPORTANT EDITOR'S NOTE: A continuance without a finding (CWOFF), although not a conviction in Massachusetts, will disqualify an applicant for a LTC or FID (5 years for FID's), where it is based on an admission to sufficient facts. An admission to sufficient facts will be deemed a plea of guilt pursuant to c278§18. However, it is possible to have a case continued without an admission – which will not amount to a guilty plea or an incriminating admission. Therefore, police must search the file to see what type of disposition was rendered.

## 7. WHAT EXACTLY IS A FIREARM? WHAT IS THE DIFFERENCE BETWEEN A FIREARM AND A RIFLE OR SHOTGUN?

Pursuant to c.140§121, a firearm is defined as a pistol, revolver, or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than 16 inches or 18 inches in the case of a shotgun as originally manufactured.

EDITOR'S NOTE: Based on this definition, if a rifle had a barrel of less than 16 inches, it would take on the status of a firearms. Additionally, if a shotgun had a barrel less than 18 inches as originally manufactured that too would make it a firearm. Therefore, a rifle or shotgun manufactured as such would require the holder to be licensed to carry pursuant to c.140§131, before he or she could lawfully carrying either of them

ADDITIONALLY, THE TERM FIREARM SHALL NOT INCLUDE ANY WEAPON THAT IS:

- a. Constructed in a shape that does not resemble a handgun, short-barreled rifle or short barreled shotgun including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or
- b. Not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors.

EDITOR'S NOTE: Since the legislature severed the above items out of the definition of a firearm, they cannot be lawfully possessed by ANY person – even if that person is lawfully licensed. Mere possession will be a felony pursuant to c. 140§131N.

#### 8. WHAT IS A RIFLE?

Pursuant to c.140§121, a rifle is defined as a weapon having a rifled bore with a barrel length equal to or greater than 16 inches and capable of discharging a shot or bullet for each pull of the trigger.

#### 9. WHAT IS A SAWED-OFF SHOTGUN?

Pursuant to c. 140§121, a sawed-off shotgun is defined as any weapon made from a shotgun, whether by alteration, modification, or otherwise, is such weapon:

- a. as modified has one or more barrels less than 18 inches in length; or
- b. as modified has an overall length of less than 26 inches.

EDITOR'S NOTE: Pursuant to c.269§10, subsection © it is a felony to unlawfully possess or carry a sawed-off shotgun in the Commonwealth of Massachusetts.

#### 10. WHAT IS A SHOTGUN?

Pursuant to c. 140§121, A shotgun is defined as a weapon having a smooth bore with a barrel length equal to or greater than 18 inches with an overall length equal to or greater than 26 inches, and capable of discharging a shot or bullet for each pull of the trigger.

#### 11. WHAT DO I NEED TO CARRY A FIREARM?

Before a person can lawfully carry a firearm in Massachusetts, they must have a valid license to carry.

#### 12. WHAT DO I NEED TO CARRY A RIFLE OR SHOTGUN?

Before a person may lawfully carry either a rifle or shotgun, they must have an FID card. An FID will entitled them to possess a rifle or shotgun in their home or to carry it in public. However, a rifle or shotgun must be unloaded and enclosed in a case before it can be lawfully carried out in public, unless the holder is hunting.

#### 13. WHAT DOES THE TERM VIOLENT CRIME MEAN? WHAT SIGNIFICANCE DOES IT HAVE IF I WANT TO POSSESS OR CARRY A FIREARM, RIFLE OR SHOTGUN?

Pursuant to c. 140§121, the term violent crime shall mean:

- any crime punishable by imprisonment for a term exceeding one year
- any act of juvenile delinquency involving the use of possession of a deadly weapon that would be punishable by imprisonment for such term if committed by an adult.

That:

- a. has an element the use, attempted use or threatened use of physical force or a deadly weapon against the person of another;
- b. is burglary, extortion, arson, or kidnapping;
- c. involves the use of explosives; or
- d. otherwise involves conduct that presents a serious risk of physical injury to another

EDITOR'S NOTE: The previous mentioned definition is significant in terms of how a person can be disqualified from obtaining either an FID or LTC. Please refer to c. 140§129B concerning FID's & c. 140§131 concerning LTC's. Anyone CONVICTED or ADJUDICATED as stated above CAN NEVER obtain either an FID or LTC in the Commonwealth of Massachusetts. It is a lifetime disqualifier.

14. I DO NOT LIVE IN MASSACHUSETTS – CAN I STILL OBTAIN AN FID CARD OR LTC FROM THE LICENSING AUTHORITY?

Yes, from the Commonwealth of Massachusetts. If you own a business, you can obtain a license from the license authority in that city or town.

15. WHAT WILL DISQUALIFY ME FROM OBTAINING AN FID CARD?

You will be immediately disqualified from obtaining an FID if you have ever been convicted OR adjudicated a youthful offender OR delinquent child for the commission of:

- a. any felony
- b. any misdemeanor punishable by imprisonment for more than two years.
- c. any violent crime as defined in section 121;
- d. any 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; of
- e. a violation of any law regulating the use, possession or sale of controlled substances, as defined in §1 of chapter 94c including, but not limited to, a violation under said chapter 94C

16. IF I HAVE BEEN EITHER CONVICTED OR ADJUDICATED FOR THE COMMISSION OF ANY OF THE ABOVE, AM I AUTOMATICALLY DISQUALIFIED FOR LIFE?

No. The only crimes preventing you from obtaining an FID for life are the following:

- a. any violent crime
- b. any crime involving the trafficking of weapons
- c. any crime involving the trafficking of controlled substances

ALL other disqualifiers are limited to five years from the date of conviction, release of confinement, probation or parole supervision, whichever is last occurring. In other words, if you were convicted of a nonviolent felony, such as larceny, you would have to wait five years before you could apply for an FID

17. WHAT IF I HAVE BEEN CONVICTED OF A NON-VIOLENT MISDEMEANOR WHICH CARRIES A SENTENCE OF UNDER TWO YEARS?

You can immediately apply for an FID. This will not disqualify you from obtaining one.

18. I WAS CONVICTED OF COMMITTING A CRIME IN ANOTHER STATE. DOES THAT ALSO DISQUALIFY ME FROM OBTAINING AN FID?

The same rules apply if you have been convicted or adjudicated in another state for any of the mentioned criteria.

19. WHAT ABOUT SICKNESS OR ILLNESS? CAN THAT PREVENT ME FROM OBTAINING AN FID?

You will be disqualified if you have been confined to any hospital or institution for mental illness or if you have been under treatment for or confinement for drug addiction or habitual drunkenness.

20. HOW OLD DO I HAVE TO BE TO OBTAIN AN FID?

Fifteen years of age. However if you are fifteen, sixteen, or seventeen you must submit along with your application a certificate of your parent or guardian granting permission to apply for the card.

21. I HAVE A 209A DOMESTIC RESTRAINING ORDER TAKEN OUT AGAINST ME. CAN I STILL OBTAIN AN FID?

No. Anyone currently subject to an order cannot receive or maintain an FID.

22. CAN ANY OTHER CONDITIONS BE PRESCRIBED BY THE LICENSING AUTHORITY THAT COULD PREVENT ME FROM OBTAINING AN FID?

No. Pursuant to c. 140§129B, the licensing authority may not prescribe another condition for the issuance of a FID card.

23. HOW LONG DOES THE LICENSING AUTHORITY HAVE TO APPROVE OR DENY MY APPLICATION FOR AN FID?

40 days

24. IF I ALREADY HAVE AN FID, WHAT CAN IT BE REVOKED FOR?

The licensing authority or his designee SHALL revoke an FID upon the occurrence of any event that would have disqualified the holder from being issued such card.

NOTE: Any revocation or suspension of a card shall be in writing and shall state the reasons therefore.

REINSTATEMENT: A revoked or suspended card may be reinstated only upon the termination of all disqualifying conditions.

25. CAN I APPEAL EITHER MY DENIAL OR REVOCATION OF THE FID?

Yes. Pursuant to c. 140§129B, any applicant or holder aggrieved by a denial, revocation or suspension of a firearm identification card may appeal within either 90 days after receipt of notice of such denial, revocation or suspension or within 90 days after the expiration of the time limit in which the licensing authority is required to respond to the applicant (40 days).

26. WHERE DO I APPEAL?

You can file a petition to obtain judicial review in the district court having jurisdiction in the city or town where you filed for or was issued the FID.

NOTE: A justice of such court, after a hearing, may direct that a card be issued or reinstated to the petitioner if the justice finds that such petitioner is not prohibited by law possessing such card.

27. ARE THERE ANY WEAPONS THAT I CANNOT POSSESS WITH AN FID?

Pursuant to c. 140§129B, a firearm identification card shall not entitle a holder thereof to possess:

- a. a large capacity firearm or large capacity feeding device therefore; or
- b. a non-large capacity firearm or large capacity rifle or shotgun or large capacity feeding device therefore

28. IS IT POSSIBLE TO HAVE A FIREARM IN MY HOME WITH JUST AN FID?

A person can lawfully have a firearm in their home as long as the firearm was purchased with a permit to purchase (PTP) pursuant to c. 140§131A. The type of weapon must be prescribed in the PTP. As long as the licensing authority grants the

permit to purchase, he or she may permit the holder to purchase either a non-large capacity firearm or a large capacity firearm. However, whatever type of firearm is subject to the PTP, it can only be possessed in the residence of place of business and not carried in violation of c. 269§10, i.e., out in public.

#### 29. WHAT IS THE NEW RESTRICTED FID UNDER THE NEW LAW?

If you only want to carry MACE®, then you may obtain an FID which is restricted to only that purpose.

NOTE: If a firearm identification card is issued for the sole purpose of purchasing or possessing chemical mace, pepper spray, or other similarly propelled liquid, gas or powder designed to temporarily incapacitate, such card shall clearly state that such card is valid for such limited purpose only.

#### 30. IS AN FID STILL GOOD FOR LIFE?

No. They are now good for only four years.

#### 31. WILL I BE NOTIFIED UPON EXPIRATION?

Pursuant to c. 140§129B, “the executive director of the criminal history systems board shall send by first class mail to the holder of each such firearm identification card, a notice of the expiration of such card not less than 90 days prior to such expiration, and shall enclose therein a form for the renewal of such card.”

#### 32. I HAVE JUST BEEN ISSUED AN FID AND I WILL BE MOVING WITHIN THE NEXT FEW MONTHS – WHO DO I NOTIFY? HOW DO I NOTIFY?

You MUST notify THREE different persons. Pursuant to c. 140§129B, “the cardholder shall notify, in writing, the licensing authority that issued such card, the chief of police into whose jurisdiction such cardholder moves and the executive director of the criminal history systems board of any change of address.”

CERTIFIED MAIL: Such notification shall be made by certified mail within 30 days of its occurrence.

REVOCAION: Failure to so notify shall be cause for revocation or suspension of such card.

#### 33. WHAT TYPE OF WEAPON AM I ENTITLED TO CARRY IF I HAVE A CLASS A LICENSE?

Pursuant to c. 140§131, a Class A license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry:

- a. firearms, including large capacity firearms, and feeding devices and ammunition therefore, for all lawful purposes, subject to such restrictions relative to the possession, use or carrying of firearms as the licensing authority deems proper; and
- b. rifles and shotguns, including large capacity weapons, and feeding devices and ammunition therefore, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as it deems proper.

#### 34. WHAT IF I CARRY A WEAPON THAT IS OUTSIDE OF THE RESTRICTIONS PLACED UPON ME BY THE LICENSING AUTHORITY?

Pursuant to c. 140§131, a violation of a restriction imposed by the licensing authority under the provisions of this paragraph shall be cause for suspension or revocation and shall, unless otherwise provided, be punished by a fine of not less than \$1,000 nor more than \$10,000.

#### 35. WHAT IF I CARRY A WEAPON THAT IS OUTSIDE OF THE RESTRICTIONS PLACED UPON ME BY THE LICENSING AUTHORITY? CAN I BE ARRESTED AND CHARGED WITH UNLAWFUL CARRYING OF A FIREARM?

Pursuant to c. 140§131, the provisions of section 10 of chapter 269 shall not apply to such violation. That when you carry outside of a restriction, it is not criminal.

#### 36. WHAT TYPE OF WEAPON AM I ENTITLED TO CARRY IF I HAVE A CLASS B LICENSE?

Pursuant to c. 140§131, a Class B license shall entitle a holder thereof to purchase, rent, lease, borrow, possess and carry:

a. non-large capacity firearms and feeding devices and ammunition therefore, for all lawful purposes, subject to such restrictions relative to the possession, use of carrying of such firearms as the licensing authority deems proper.

NO CONCEALED OR LOADED WEAPON: A Class B license shall not entitle the holder thereof to carry or possess a loaded firearm in a concealed manner in any public way or place.

NO LARGE CAPACITY FIREARMS: A Class B license shall not entitle the holder thereof to possess a large capacity firearm, except:

a. under a Class A club license issued under this section; or

b. under the direct supervision of a holder of a valid Class A license at an incorporated shooting club or licensed shooting range

Additionally, pursuant to c. 140§131,. A Class B license shall entitle a holder thereof to purchase, rent, lease, borrow, possess, and carry:

a. Rifles and shotguns, including large capacity rifles and shotguns, and feeding devices and ammunition thereof, for all lawful purposes; provided, however, that the licensing authority may impose such restrictions relative to the possession, use or carrying of large capacity rifles and shotguns as he deems proper.

### 37. ARE THERE ANY TRANSACTIONS THAT ARE NOT VALID WITH A CLASS B LTC?

Pursuant to c. 140§131, a Class B license shall not be valid license for the purpose of complying with any provision under the gun law governing the purchase, sale, lease, rental, or transfer of any weapon or ammunition feeding device:

a. if such weapon is a large capacity firearm defined in §121; or

b. if such ammunition feeding device is a large capacity feeding device for use with a large capacity firearm defined in §121

### 38. WHO CAN APPLY FOR A LTC ( EITHER A OR B)?

Any person residing or owning a place of business within the jurisdiction of the licensing authority.

### 39. ARE THERE ANY CONDITIONS THAT I MUST SATISFY BEFORE BEING GRANTED A LTC (EITHER A OR B)?

Pursuant to c. 140§131, the licensing authority may issue a LTC (either A or B) if it appears that the applicant is a suitable person to be issued such license, and

a. that the applicant has good reason to fear injury to his person or property, or

b. for any other reason, including the carrying of firearms for use in sport or target practice only

NOTE: The above is subject to such restrictions expressed or authorized under this section. Therefore, if it appears to the licensing authority that the applicant is unsuitable, he or she will deny your application. It is this clause in the law that empowers the licensing authority to deny an applicant, even though the applicant might not have been convicted of a crime.

### 40. WHAT IF I HAVE BEEN CONVICTED OF A CRIME CAN I STILL OBTAIN A LTC? WHAT IF I HAVE BEEN CONVICTED OUT OF STATE?

According to c. 140§131, if the applicant has, in any state or federal jurisdiction, been convicted or adjudicated a youthful offender or delinquent child for the commission of:

a. any felony

b. any misdemeanor punishable by imprisonment for more than two years

c. a violent crime as defined in section 121;

d. any 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

e. any violation of any law regulating the use, possession or sale of controlled substances as defined in section 1 of chapter 94C

41. WHAT DOES IT MEAN TO HAVE BEEN ADJUDICATED A YOUTHFUL OFFENDER?

Pursuant to Massachusetts law, the definition of youthful offender is as follows:

A person who is subject to an adult or juvenile sentence for having committed, while between the ages of fourteen and seventeen, an offense against a law of the commonwealth which, if he were an adult, would be punishable by imprisonment in the state prison, and

a. has previously been committed to the department of youth services, or

b. has committed an offense which involves the infliction or threat of serious bodily harm in violation of law, or

c. has committed a violation of paragraph (a) unlawful carrying, (b) unlawful possession of a machine gun or unlawful possession of a sawed off shotgun or (c) second or subsequent offense of c. 269§10(a),(b), or (c) of section 10 or section 10E of chapter 269(trafficking in firearms); provided that, nothing in this clause shall allow for less than the imposition of the mandatory commitment periods provided in §58 of chapter 109.

42. WHAT DOES IT MEAN TO HAVE BEEN ADJUDICATED AS A DELINQUENT CHILD?

Pursuant to Massachusetts law, the definition of delinquent child is as follows:

A child between seven and seventeen who violates any city ordinance or town by law or who commits any offense against a law of the commonwealth.

43. WHAT IF I HAVE BEEN TREATED FOR MENTAL ILLNESS – DOES THAT AUTOMATICALLY DISQUALIFY ME?

The gun law states that you will be disqualified if you have been confined to any hospital or institution for mental illness. However, if you submit with your application an affidavit of a registered physician attesting that he or she is familiar with your mental illness and that in his or her opinion you are not disabled by such illness in a manner that should prevent you from possessing a firearm, that will not automatically disqualify you. The licensing authority, however, may disqualify you under the unsuitability provision.

44. WHAT IF I HAVE BEEN TREATED OF CONFINED FOR DRUG ADDICTION OR HABITUAL DRUNKENNESS – DOES THAT AUTOMATICALLY DISQUALIFY ME?

The gun law states that you will be disqualified if you have been under treatment for or confinement for drug addiction or habitual drunkenness. However, this disability may be removed if you are deemed cured by a licensed physician. Anyone falling into this category must wait five years after the date of such confinement or treatment and must also present an affidavit issued by a licensed physician stating that he or she knows the applicant's history or treatment and that such physician's opinion the applicant is deemed cured.

45. HOW OLD MUST I BE TO OBTAIN A LTC?

You must be at least 21 years of age.

46. HOW LONG DOES THE LICENSING AUTHORITY HAVE TO PROCESS MY APPLICATION FOR A LTC?

The licensing authority shall, within 40 days from the date of application and issue the license or deny the application and notify the applicant of the reason for such denial in writing.

47. CAN I APPEAL THE DENIAL OR REVOCATION OF MY LTC? IS THERE A CERTAIN TIME LIMIT? WHERE DO I APPEAL?

You can appeal within 90 days after receiving your denial or revocation. Additionally, you have a right appeal within 90 days after the expiration of the time limit during which the licensing authority is required to respond to you (40 days). You may file a petition to obtain judicial review in the district court having jurisdiction in the city or town wherein the applicant filed for, or was issued, such license.

48. WHAT HAPPENS IF I WIN MY APPEAL?

Pursuant to c. 140§131, “a justice of such court, after a hearing, may direct that a license be issued or reinstated to the petitioner if such justice finds that there was no reasonable ground for denying, suspending, or revoking such license and that the petitioner is not prohibited by law from possessing same.”

#### 49. HOW LONG IS A LTC GOOD FOR?

It will be good for four years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than three years but not more than four years from the date of issue.

#### 50. I'M OVER 70 – DO I GET A BREAK FROM PAYING THE FEE?

Pursuant to c. 140§131, “any person over the age of 70 shall be exempt from the requirement of paying a renewal fee for a Class A or Class B license to carry.”

#### 51. I'M A VIETNAM VETERAN AND I'LL BE MARCHING IN A PARADE – WHAT DO I NEED TO POSSESS A RIFLE?

Pursuant to c. 140§131, “no license to carry shall be required for the possession of an unloaded large capacity rifle or shotgun or an unloaded feeding device therefore by a veteran's organization chartered by the Congress of the United States, chartered by the commonwealth or recognized as a non-profit tax-exempt organization by the Internal Revenue Service, or by the members of any such organization when in an official parade duty or during ceremonial occasions.”

DEFINITIONS: For purposes of the above subparagraph, an “unloaded large capacity rifle or shotgun” and an “unloaded feeding device therefore” shall include any capacity rifle, shotgun or feeding device therefore loaded with a blank cartridge or blank cartridges, so-called, which contain no projectile within such blank or blanks or within the bore or chamber of such large capacity rifle or shotgun.

#### 52. WILL I BE NOTIFIED PRIOR TO THE EXPIRATION OF MY LTC?

Pursuant to c. 140§131, “the executive director of the criminal history systems board shall send by first class mail to the holder of each such license to carry firearms, a notice of the expiration of such license not less than 90 days prior to such expiration and shall enclose therein a form for the renewal of such license.”

#### 53. WHAT IF I MOVE – WHO DO I HAVE TO NOTIFY ABOUT MY ADDRESS CHANGE?

Pursuant to c. 140§131, “any licensee shall notify, in writing, the licensing authority who issued said license, the chief of police into whose jurisdiction the licensee moves and the executive director of the criminal history systems board of any change of address.”

CERTIFIED MAIL: Such notification shall be made by certified mail within 30 days of its occurrence.

CAUSE FOR REVOCATION: Failure to so notify shall be cause for revocation or suspension of said license.

#### 54. I AM A HUNTER FROM MAINE AND WOULD LIKE TO DO SOME HUNTING IN MASSACHUSETTS – WHAT DO I NEED TO POSSESS A RIFLE OR SHOTGUN IN MASSACHUSETTS DURING HUNTING SEASON?

Pursuant to c. 140§129C, the “possession of rifles and shotguns and ammunition therefore by non-resident hunters with valid non-resident hunting licenses during hunting season” are exempt from the FID requirements.

#### 55. CAN A NONRESIDENT POSSESS A RIFLE OR A SHOTGUN IN MASSACHUSETTS?

Pursuant to c. 140§129c, the “possession of rifles and shotguns and ammunition therefore by non-residents traveling in or through the commonwealth, providing that any rifles or shotguns are unloaded and enclosed in a case” is also exempted from the FID requirements. Therefore, a nonresident does not need either a LTC or a FID to merely possess a rifle or a shotgun while traveling in or through Massachusetts – as long as they are unloaded and enclosed in a case

#### 56. DO I NEED EITHER A FID OR LTC TO LEARN TO SHOOT A FIREARM OR RIFLE?

No, pursuant to c. 140§129C, the following actions are exempted, “the temporary holding, handling, or firing of a firearm for examination, trial, or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling, or firing, of a rifle or shotgun for examination, trial or instruction in the presence of a holder of a firearm identification card, or where such holding, handling, or firing is for a lawful purpose.”

57. A POLICE OFFICER REQUESTS THAT I SHOW HIM MY FID OR LTC – WHAT IS THE LAW CONCERNING THIS POINT?

Pursuant to c. 140§129C, any person who, while not being within the limits of his own property or residence, or such person whose property or residence is under lawful search, and who is not exempt under this section, shall on demand of a police officer or other law enforcement officer, exhibit his license to carry firearm, or his firearm identification card or receipt for fee paid for such card.

FAILURE TO COOPERATE: Upon failure to do so such person may be Required to surrender to such officer said firearm, rifle, shotgun which shall be taken into custody as under the provisions of section 129D, except that such firearm, rifle, or shotgun shall be turned forthwith upon presentation within thirty days of said license to carry firearms, firearm identification card or receipt for fee paid for such card or hunting license as herein before described.

58. I PRESENTLY HAVE ONLY AN FID CARD AND I WANT TO PURCHASE A FIREARM – IS IT POSSIBLE FOR ME TO PURCHASE A FIREARM, EVEN A LARGE CAPACITY FIREARM, IF I ONLY HAVE A FID?

Yes, pursuant to c. 140§131A, the licensing authority or the colonel of the state police may issue me a permit to purchase (PTP). Such permits shall be valid for not more than ten days. It shall entitle the holder to purchase a firearm at a licensed dealer. The dealer will then make arrangements to have the firearm delivered to either your house or place of business. Note that the statute states that “the licensing authority may impose such restrictions relative to the caliber and capacity of the firearm to be purchased, rented, or leased as he deems proper.” Therefore, if the chief of colonel permits it, a large capacity firearm can be purchased with only an FID and a PTP.

59. I WANT TO CARRY MY FIREARM IN MY MOTOR VEHICLE – CAN I DO IT? – WHAT IF IT IS LOADED?

Pursuant to c. 140§131C a loaded large capacity firearm cannot be carried while in a motor vehicle unless it is under the direct control of the person possessing it who must have a Class A LTC.

NOTE: No person carrying a firearm under a Class B license shall possess the same in a vehicle unless such weapon is unloaded and contained within the locked trunk of such vehicle or in a locked case or other secure container.

NOTE: Persons possessing a large capacity rifle or shotgun under a Class A or Class B license issued under section 131 or 131F shall possess the same in a vehicle unless such weapon is unloaded and contained within the locked trunk of such vehicle or in a locked case or other secure container.

60. I HAVE A FID OR A LTC – CAN I CARRY A LOADED RIFLE OR SHOTGUN IN PUBLIC?

No. Pursuant to c. 269§12D, “no person shall carry on his person or on any public way a loaded rifle or shotgun having cartridges or shells in either the magazine or chamber thereof.”

DEFINITIONS: For purposes of this section, “loaded shotgun or loaded rifle” shall mean any shotgun or rifle having ammunition in either the magazine or chamber thereof. (Such ammunition including a live cartridge, primer (igniter), bullet or propellant powder designed for use in any firearm, rifle, or shotgun and, in the case of a muzzle loading or black powder shotgun or rifle, so-called, a shotgun or rifle containing powder in the flash pan or in the bore or chamber or containing a percussion cap, shot or ball.) However, a “loaded shotgun or loaded rifle” shall not include a shotgun or rifle loaded with a blank cartridges, so-called, which contains no projectile within such blank or within the bore or chamber of such shotgun or rifle.

IMPORTANT EXCEPTION: This subsection shall not apply to a person who is lawfully engaged in hunting and is the holder of a valid hunting or sporting license issued pursuant to chapter 131.

61. I HAVE A FID OR A LTC – CAN I CARRY AN UNLOADED RIFLE OR AN UNLOADED SHOTGUN IN PUBLIC?

No. Pursuant to c. 269§12D, “no person shall carry on his person on any public way an unloaded rifle or shotgun, unless such rifle or shotgun is enclosed in a case.”

IMPORTANT EXCEPTION: This subsection shall not apply to drills, parades, military reenactments or other commemorative ceremonies, color guards or memorial service firing squads, so-called, as permitted by law.

IMPORTANT EXCEPTION: This subsection shall not apply to a person who is lawfully engaged in hunting and is the holder of a valid hunting or sporting license issued pursuant to chapter 131.

62. IF I AM BUYING A HANDGUN OR LARGE CAPACITY RIFLE OR SHOTGUN FROM A DEALER, CAN I SUPPLY MY OWN TRIGGER LOCK SO I DO NOT HAVE TO PAY FOR A NEW ONE FROM THE DEALER?

No. Pursuant to c. 140§131K a state approved safety device must be SOLD with the weapon. This places the burden on the dealer to provide the safety device and does not allow the dealer an option of letting the purchaser provide a trigger lock.

63. IF I AM BUYING A NON-LARGE CAPACITY SHOTGUN, CAN THE DEALER FORCE ME TO BUY A TRIGGER LOCK WITH THE SHOTGUN?

Pursuant to c. 140§131K, trigger locks are not required by law to be sold with such shotguns. However, some dealers are requiring trigger locks to be sold with every gun as a store policy intended to reduce potential liability. The buyer has the option of complying with the store's policy or shopping elsewhere.

64. ARE STATE APPROVED TRIGGER LOCKS REQUIRED ANYTIME I USE A TRIGGER LOCK?

No. State approved trigger locks are only required under the provisions of c. 140§131K and apply to dealers providing them with handguns and large capacity rifles and shotguns that they sell. State approved trigger locks are not required in any other section of chapter 140. However, most common trigger locks that would be used to help the gun owner comply with section 131L are likely to be state approved even though that approval is not required.

65. DOES AN UNAUTHORIZED PERSON ACTUALLY HAVE TO GAIN ACCESS TO MY UNSECURED FIREARM BEFORE I HAVE VIOLATED THE SAFE STORAGE REQUIREMENT?

No. You are in violation of c. 140§131L, simply by storing or keeping any firearm, rifle or shotgun in an unsecured manner so that unauthorized access could be gained. As the statute is currently written, if the police responded to your home for an unrelated emergency and saw an unloaded rifle sitting in the corner of your living room, you would be in violation of the law.

66. DO I HAVE TO BUY A METAL CONTAINER OR SAFE TO COMPLY WITH C. 140§131?

No. You may use a trigger or cable lock, a cloth or hard locking gun case, a locked wooden gun cabinet, a locked closet, or any other locking device or CONTAINER that would prevent an unauthorized person from gaining access to your gun.

67. I WAS FORMERLY IN THE MILITARY AND RECEIVED TRAINING IN FIREARMS. I ALSO PREVIOUSLY HAD A PISTOL PERMIT FROM ANOTHER STATE. AM I EXEMPT FROM TAKING THE REQUIRED SAFETY COURSE?

No. There are no exemptions for former military personnel, or former pistol permit holders from another state. All such persons regardless of their experience must complete the required course for their first FID card or LTC.

68. IS THERE AN APPROVED LIST OF HANDGUNS THAT CAN BE IMPORTED INTO MASSACHUSETTS FROM ANOTHER STATE?

No, there is no approved list. Individual manufacturers either certify that their guns meet the standards outlined in c. 140§123, subsection 18th, or conduct the tests on their guns that are specified in that section before they can be brought into the state. Dealers must find out either from wholesalers or manufactures which guns have met state standards.

69. I WANT TO BUY A HANDGUN FROM NEW HAMPSHIRE DEALER BY HAVING IT TRANSFERRED TO A DEALER IN MASSACHUSETTS. THE GUN IS NO LONGER MADE AND THE MANUFACTURER HAS GONE OUT OF BUSINESS SO THERE IS NO ONE TO CERTIFY OR TEST THE GUN. DOES THIS EXEMPT THE GUN FROM THE REQUIREMENTS OF CERTIFICATION OR TESTING?

No, there are no exemptions. If the handgun was not in Massachusetts prior to October 21, 1998, it must be certified as meeting state standards or must successfully pass the required testing. If the manufacturer no longer exists, and the handgun was never certified or tested verifying it meets state standards, it will not be allowed to be purchased by a dealer for resale to a retail customer in Massachusetts.

70. CAN A MASSACHUSETTS RESIDENT SELL A GUN WITHOUT BEING A LICENSED DEALER?

Yes, under c. 140§128A, provided that he lawfully possesses the gun with an appropriate FID card or LTC or is otherwise exempt, AND that the person buying the gun is also properly licensed with a FID card or LTC (depending on the type of gun begin bought).

71. HOW MANY GUNS A YEAR CAN I SELL WITHOUT BEING A DEALER?

A properly licensed resident who is not a dealer can sell up to four guns a year through a private transfer of ownership.

72. DO I USE A SPECIAL FORM WHEN SELLING GUNS THROUGH A PRIVATE SALE?

The state form required for private sales is an FA10. The FA10 replaced what was known as the "Blue Card" previously used for private sales. This is essentially the same form used by dealers except that instructions are included with each private sale form. This form can be obtained from any police department. The seller must fill out the form and forward it to the state within seven days of the sale.

73. IF WHILE VISITING MAINE, I BUY A SHOTGUN, DO I HAVE TO REPORT THE SALE WHEN I RETURN TO MASSACHUSETTS?

Under c. 140§128B, residents who purchase from someone other than a Massachusetts dealer, either within or outside the commonwealth, must report the purchase within seven days to the executive director of the criminal history systems board. The FA10 form which can be obtained from any police department is the simplest way to make such a report.

74. HOW DO I KNOW IF THE LARGE CAPACITY MAGAZINE I WANT TO BUY WAS LEGALLY POSSESSED PRIOR TO SEPTEMBER 13, 1994, AND IS IN COMPLIANCE WITH c. 140 §131M?

All handguns and rifle magazines capable of holding more than 10 rounds are large capacity magazines. Those manufactured prior to September 13, 1994 are legal to possess, and those manufactured after (also known as post ban magazines) are not legal to possess except under certain circumstances. All post ban magazines must be marked "Restricted to Law Enforcement, Government or Export Only," or words to that effect. In addition, post ban magazines normally carry the serial number 91394, which indicates the date the ban went into effect.

75. CAN I SELL OR TRADE LARGE CAPACITY MAGAZINES THAT ARE NOT MARKED AS RESTRICTED?

Yes, pre ban magazines may be sold to persons licensed to possess them.

76. I PREVIOUSLY COULD LAWFULLY OWN A SAWED-OFF SHOTGUN (PROVIDING IT WAS LEGALLY POSSESSED UNDER FEDERAL LAW) WITH A LTC. CAN I STILL POSSESS A SAWED-OFF SHOTGUN?

No. The provision of c. 269§10(c) previously allowing the possession of a sawed-off shotgun has been deleted making such possession illegal under all circumstances.

77. CAN I BE CHARGED FOR A CRIME JUST FOR HAVING AN EMPTY LARGE CAPACITY MAGAZINE IN MY POSSESSION WITHOUT A LTC, EVEN IF I HAVE NO GUN IN MY POSSESSION?

Yes, Under c. 269§10(m) a person can not possess a large capacity magazine without a LTC or unless otherwise exempted by statute, even if the magazine is unloaded and the person has no weapon in his possession in which the magazine could be used.

78. A TUBULAR FEED EXTENSION TUBE ON A PUMP SHOTGUN WOULD SEEM TO MAKE THAT SHOTGUN A LARGE CAPACITY WEAPON EXCEPT THAT PUMP SHOTGUNS ARE EXEMPT FROM THE DEFINITION OF LARGE CAPACITY WEAPON. THEREFORE, I ONLY NEED A FID CARD FOR THAT PUMP SHOTGUN REGARDLESS OF HOW MANY SHELLS IT HOLDS IN THE MAGAZINE. IF I REMOVE THE TUBE FROM THE SHOTGUN, DO I NEED A LTC TO CARRY JUST THE TUBE?

No. The tube by itself, detached from the shotgun is not a large capacity magazine. First, the tube when detached does not hold more than five rounds by itself. Second, the shotgun shells cannot be contained within the tube when it is detached. When detached, the extension tube becomes simply a metal tube requiring no FID or LTC.

79. IS A FID CARD REQUIRED TO PURCHASE AN AIR RIFLE, AND IS A LTC REQUIRED TO PURCHASE AN AIR PISTOL?

The answer to both questions is No. No license is required to purchase either an air rifle or air pistol. All that is required for purchase under the provisions of c. 269§12A is that the buyer be at least 18 years old.

80. CAN A PERSON UNDER 18 POSSESS AN AIR GUN IN A PUBLIC PLACE?

Yes, providing he is accompanied by an adult, or is the holder of a hunting license and has on his person a permit from the chief of police allowing for such possession. See c. 269§12B.

81. CAN AN ADULT SHOOT A BB GUN WHEREVER HE WANTS?

No. No person may shoot a BB shot or pellet from an air gun into, from or across any street, alley, public way or railroad or railroad right of way including an adult.

82. IF A MINOR UNDER 18 IS ON PRIVATE PROPERTY, AND IS NOT SHOOTING AT OR ACROSS A PUBLIC WAY, ARE THERE ANY RESTRICTIONS HE SHOULD BE CONCERNED WITH?

Yes. A minor cannot discharge a BB shot or pellet from an air gun ANYWHERE unless he is accompanied by an adult or is the holder of a hunting or sporting license.

83. CAN THE PROVISIONS OF c. 269§12A AND 12B BE APPLIED TO PAINT BALL GUNS?

Yes. The case law regarding section 12A and 12B refer to these two sections as regulating all types of air guns. This would include most if not all currently available paint ball guns.

84. I KNOW THAT YOU CAN NOT HUNT ON SUNDAYS IN MASSACHUSETTS. CAN I WALK IN THE WOODS ON SUNDAY AND CARRY A GUN?

On Sundays, you are prohibited from carrying a rifle or shotgun anyplace where birds or mammals may be found other than on land owned or leased by you, or at a target shooting range. This prohibition includes handguns also, except for an exemption that says "unless otherwise permitted by law." If your LTC is issued only for target and hunting, you would be prohibited from carrying in the woods on a Sunday. If the LTC is issued for any lawful purpose (which would automatically include personal protection), you would be permitted to carry your handgun where birds or mammals are found on a Sunday. See c. 131§57.

85. WHAT ARE THE REGULATIONS WITH REGARDS TO HUNTING NEAR A ROAD?

You cannot fire a gun within 150 feet of a hard surfaced road or state highway, and you cannot shoot across such a road regardless of how far away you are when you fire the shot. See c. 131§58.

86. HOW FAR AWAY FROM A HOUSE SHOULD I BE WHEN HUNTING?

If you have a loaded gun or you are hunting, you must stay at least 500 feet away from any dwelling unless you have permission of the owner or occupant. See c. 131§58.

87. WHILE TARGET SHOOTING OR HUNTING, IF I ACCIDENTALLY INJURE SOMEONE WITH MY FIREARM, WILL I AUTOMATICALLY BE CHARGED WITH USING A WEAPON CARELESSLY OR NEGLIGENTLY?

While few things in the criminal justice system are automatic in every case, in most instances, any injury caused by your bullet or shot will likely result in a charge of careless and negligent use of a weapon. A conviction could result in a loss of your hunting or sporting license for up to five years; imprisonment in a house of correction for up to six months, and under the recently changed firearms laws, permanent loss of a license to carry firearms. See c. 131§60.

88. ARE THERE ANY RESTRICTIONS ABOUT DRINKING ALCOHOLIC BEVERAGES WHILE HUNTING OR SHOOTING?

Chapter 131§62 prohibits anyone from hunting, carrying a firearm or target shooting while under the influence of alcohol or drugs.

89. IF I AM HUNTING, AND COME BACK TO MY TRUCK TO EAT LUNCH AND TAKE A BREAK, DO I HAVE TO UNLOAD MY SHOTGUN?

You would have to unload your shotgun if you were going to bring the shotgun inside your truck, or rest it upon any portion of your truck. Chapter 131§63 prohibits possession of a loaded shotgun or rifle in or on a motor vehicle. It does not matter that the vehicle is parked.

90. I AM A LICENSED COLLECTOR OF MACHINE GUNS. I HAVE A LEGALLY OWNED SELECT FIRE MACHINE GUN THAT CAN FIRE IN EITHER SEMI AUTOMATIC OR FULL AUTOMATIC. CAN I HUNT WITH THIS GUN IF I LEAVE THE SELECTOR SWITCH ON SEMI AUTOMATIC?

No. The weapon is still classified as a machine gun or sub machine gun and its use for hunting is prohibited. See c. 131§64.

91. CAN I CARRY MY LOADED SHOTGUN ON AN ATV AND USE THE ATV FOR HUNTING?

No. You cannot use any type of motor vehicle to hunt in Massachusetts. You can however, unless otherwise prohibited by law, use the ATV to travel to and from a hunting location, and to transport a legally harvested animal. The shotgun should be unloaded while riding upon the ATV. See c. 131§65.

92. IF I AM WALKING IN THE WOODS IN THE SPRING WITHOUT A GUN OF ANY KIND, BUT I FORGOT TO TAKE SOME OLD 00 BUCK SHOTGUN SHELLS OUT OF MY JACKET FROM THE PREVIOUS DEER SEASON, AM I VIOLATING THE LAW?

Yes. You may not, except during the prescribed open deer season, have in your possession a shotgun shell loaded with rifled slugs, single ball, buckshot or BB shot anywhere birds or mammals may be found except on a skeet, trap or target range between sunrise and sunset. See c. 131§66.

93. I HAVE A LTC ISSUED FOR ALL LAWFUL PURPOSES. CAN I CARRY MY HANDGUN WITH ME FOR PERSONAL PROTECTION WHEN I AM DEER HUNTING IN MASSACHUSETTS?

No. Chapter 131§70 prohibits possession of any handgun in any field or wood during the open deer season when deer are hunted with a shotgun. There is no provision for an exemption such as the phrase "unless otherwise permitted by law" as there is in §57 of chapter 131.

94. THE FISH AND GAME LAWS UNDER CHAPTER 131 ARE COMPLICATED, BUT I HEARD THAT PEOPLE ARE USUALLY ISSUED SOME KIND OR TICKET OR CIVIL FINE FOR A VIOLATION. CAN YOU BE ARRESTED FOR VIOLATING SOME OF THE SECTIONS OF CHAPTER 131?

Yes. In fact §87 of chapter 131 allows for the arrest of a violation of ANY section of chapter 131 by any environmental police officer, state police, or any other officer qualified to serve criminal process. This means that virtually any police officer can arrest a person for a violation of any section of chapter 131 without a warrant.

95. CAN ENFORCEMENT OFFICERS TRESPASS TO ENFORCE FISH AND GAME LAW?

Yes. Chapter 131§87 allows officers authorized to make arrests under chapter 131, who are acting in the performance of their duties, to enter upon and pass over private lands, whether or not the land is covered by water. Such passage by enforcement officers would be for the purposes of enforcing 131 only.

96. THE 209A RESTRAINING ORDER THAT MY EX-WIFE HAS AGAINST ME HAS BEEN DROPPED. ARE THE POLICE REQUIRED TO RETURN MY LICENSE TO CARRY FIREARMS TO ME IMMEDIATELY?

No. Because a license to carry firearms is issued to a suitable person, and licensing authority must make a determination of suitability, vacating a restraining order does not automatically mean a return of the LTC. The licensing authority will normally review the initial affidavit that was filed to obtain the restraining order, combined with any related police reports. Based on a review of those documents, a department may or may not return the LTC. Even if the department does not immediately return the LTC, it may be returned after a period of time when no further domestic violence has been reported.

97. I WAS JUST SERVED WITH A RESTRAINING ORDER. I DON'T WANT THE POLICE TO HAVE MY GUNS. CAN I TURN THEM OVER TO MY BROTHER?

No. The police are required to confiscate the guns along with any FID card or LTC. After that time, they can be turned over only to a licensed firearms dealer. They can not be turned over to anyone other than a licensed dealer as long as the restraining order is in effect.

98. THE POLICE CONFISCATED MY GUNS BECAUSE OF A RESTRAINING ORDER. NOW THEY WANT TO TRANSFER THEM TO A DEALER. I DON'T WANT THEM TRANSFERRED BECAUSE IT IS GOING TO COST ME MONEY, AND IT DOESN'T COST ME ANYTHING TO LEAVE THEM AT THE POLICE STATION. DO I HAVE A SAY IN WHETHER OR NOT THEY CAN BE TRANSFERRED TO A DEALER?

No. The police may transfer the guns to a licensed firearms dealer without your consent for storage in a bonded warehouse in compliance with chapter 140, section 129d. All expenses are the responsibility of the gun owner even if he did not want the gun transferred to the dealer. If the owner refuses to pay, the guns may be sold to cover expenses of the dealer after a period of one year.

99. I AM A DEFENDANT IN A RESTRAINING ORDER CASE. THE POLICE CONFISCATED MY FIREARMS AND TURNED THEM OVER TO A LICENSED DEALER OPERATING A BONDED WAREHOUSE. I NOW WANT TO SELL THEM TO A FRIEND. CAN I SELL THEM WHILE I AM THE SUBJECT OF THE RESTRAINING ORDER?

Yes. The firearms can be sold through the dealer to a person lawfully entitled to take possession of such firearms.

100. I AM THE SUBJECT OF A RESTRAINING ORDER AND HEARD THAT YOU COULD HAVE THE JUDGE REMOVE THE SURRENDER PORTION OF THE RESTRAINING ORDER WITH REGARDS TO FIREARMS AND FID CARDS. I WANT TO GO HUNTING. IS THIS A POSSIBILITY?

No. Previously, the surrender order could be lifted by the judge and the guns could be returned even though the restraining order remained in effect. Under recent changes in Chapter 209A, section 3C, the suspension and surrender of the defendant's FID card or LTC must continue as long as the restraining order is in effect.

- BPD recommends that all qualified applicants apply for a Class A License to Carry rather than a Class B LTC or an FID card. If you are issued a lesser license and then wish to own a handgun in the future, you would need to reapply for the Class A including an additional \$100 fee.
- License or permit holders must register all changes of address with both their old and new home towns by completing a Change of Address form and returning it to both Chiefs of Police within 30 days of
- Applications are accepted by appointment only. Appointments can be made by contacting Sergeant Warren Ryder or Sergeant Stephen Trefry 978-263-2628.
- All new applicants for all classes of LTC/FID must have 10-print fingerprint card completed at their application appointment.
- Chemical propellant-only (Class D FID) applicants do not need to take a class, but must make an appointment to submit their application.
- Expect 8 weeks or more to process your application through the state. Plan accordingly. The fall season is particularly busy for the FRB, so don't wait until September to apply or renew for hunting season.
- LTC's and permits are good for 6 years before requiring renewal. If you are renewing an FID card or a LTC, you must use your old card until it expires. Your new is not valid until the old one expires.
- All applications are subject to a background check and the approval of the Chief of Police.
- If you are from out-of-state or are planning to travel out-of-state, check the laws of your state of residence, Massachusetts, and all states or countries you will travel through before transporting and/or using firearms interstate or out of the country. Laws vary widely, so know them *before* you travel!



**Boxborough Police Department**  
Firearms Application Checklist

My appointment day & time are:

\_\_\_\_\_

**Note:** We recommend that all qualified applicants apply for a Class A LTC rather than a Class B LTC or an FID card. If you are issued a lesser license and wish to own a handgun in the future, you would need to reapply and pay another fee.

**APPLICATION REQUIREMENTS**

<b>NEW:</b>	<b>Application Fee*</b>	<b>Application</b>	<b>Two References</b>	<b>Two Letters</b>	<b>Class Certificate</b>	<b>Letter from Employer</b>	<b>Appointment</b>
Class A LTC	\$100	YES	YES	YES	YES	See note**	YES
Class B LTC	\$100	YES	YES	YES	YES	"	YES
Class C FID	\$100	YES	YES	YES	YES	"	YES
Class D FID	\$25	YES	NO	NO	NO	"	YES
<b>RENEWAL:</b>							
Class A LTC	\$100	YES	NO	NO	NO	See note**	YES
Class B LTC	\$100	YES	NO	NO	NO	"	YES
Class C FID	\$100	YES	NO	NO	NO	"	YES
Class D FID	\$25	YES	NO	NO	NO	"	YES
* If under age 70. All fees are forfeited if application is denied.							
** Applicants who need an LTC or FID for their job must submit a letter from their employer stating it is required.							

**You must bring your complete application packet with you, or your appointment will be forfeited and you will have to reschedule to the following month. No action can be taken without all of the applicable items:**

**Approved Basic Firearms Safety Courses**

in Accordance with Massachusetts General Law Chapter . 140, § 131P and 515 CMR 3.00

<b>L.T.C. Basic Firearms Safety Courses</b>	<b>Certification #</b>
Massachusetts Chiefs of Police Association Basic Handgun Safety Course	LTC-001
NRA Basic Pistol Course	LTC-002
NRA Personal Protection Course	LTC-003
SIG Arms Academy Handgun Orientation Course	LTC-004
Smith & Wesson Academy Massachusetts Carry Permit Course	LTC-005
MCJTC Recruit Firearms Training Course	LTC-006
*NRA Home Safety Course	LTC-007
Worcester Police Department Firearms Responsibility and Safety Program	LTC-008
Mass Sheriffs' Association's Firearms Safety & Handling Course	LTC-009
B.F.S.I. Handgun Safety Course	LTC-010
Massachusetts State Police Recruit Firearms Training Program	LTC-011
SIG Arms Concealed Carry Pistol Course	LTC-012
<b>F.I.D Card Basic Firearms Safety Courses</b>	<b>Certification #</b>
NRA Basic Rifle Or Shotgun Courses	FID-001
SIG Arms Academy Firearms Orientation and Familiarization Courses for Shotgun, Carbine or Rifle	FID-003
Smith & Wesson Academy Massachusetts F.I.D. Safety Course	FID-004

- **All applicants** must bring their application form, signed and dated.
  - ○ All applicable questions must be completed.
  - ○ If you answered “yes” to any question 1-14 on page 2, you must give details (1<sup>st</sup> question, page 3).
  - ○ See table above for reference and letter of recommendation requirements.
  - ○ The Firearm Records Bureau no longer accepts “Any lawful purpose” as the sole reason for applying. Give a more specific reason to avoid having your application sent back by the FRB.
  
- **All applicants under 70 years of age** must bring payment in the form of Check or Money Order.
  - ○ \$100 for LTC and Class C FID card .
  - ○ \$25 for Class D (Chemical Propellant Only) FID card .
  - ○ Check or Money Order made payable to: Town of Boxborough .
  - ○ Applicants over age 70 are exempt from the fee per Massachusetts state law.
  
- **New applicants for License to Carry or Class C FID** must bring 2 letters of recommendation.
  - ○ Letters must be on letterhead from a responsible person, stating how long they have known you and that they feel you are a fit person to be licensed to carry firearms.
  - ○ Letters should contain the word “firearm”.
  
- **Applicants applying in relation to their employment** must bring a letter from their supervisor on company letterhead verifying that the LTC or FID is required for employment purposes, and why.
  
- **Applicants for Class A or B LTC or Class C FID** must bring a certificate of completion for the state–approved Basic Handgun Safety Course or Hunter Safety Course, completed anywhere in Massachusetts within the past 1 (one) year. (Not required for Class D FID card applicants).





**\*WARNING\***

ANY PERSON WHO KNOWINGLY FILES AN APPLICATION CONTAINING FALSE INFORMATION SHALL BE PUNISHED BY A FINE OF NOT LESS THAN \$500 NOR MORE THAN \$1,000 OR BY IMPRISONMENT FOR NOT LESS THAN 6 MONTHS NOR MORE THAN 2 YEARS IN A HOUSE OF CORRECTION, OR BY BOTH SUCH FINE AND IMPRISONMENT (M.G.L. c.140, § 131).

**PLEASE ANSWER THE FOLLOWING QUESTIONS COMPLETELY AND ACCURATELY:**

SPACE FOR EXPLANATION AND DETAILS ARE PROVIDED ON PAGE 3.

1. ARE YOU A CITIZEN OF THE UNITED STATES? \_\_\_\_\_  
IF NATURALIZED GIVE DATE, PLACE AND NATURALIZATION NUMBER: \_\_\_\_\_.
2. HAVE YOU EVER USED OR BEEN KNOWN BY ANOTHER NAME? \_\_\_\_\_. IF YES PROVIDE NAME AND EXPLAIN: \_\_\_\_\_
3. WHAT IS YOUR AGE? \* \_\_\_\_\_ \*YOU MUST BE 21 YEARS OF AGE TO APPLY FOR A LICENSE TO CARRY FIREARMS, 18 YEARS OF AGE\* TO APPLY FOR A FIREARMS IDENTIFICATION CARD. \* 15 YEARS OF AGE BUT LESS THAN 18 YEARS OF AGE WITH SUBMISSION OF A CERTIFICATE FROM PARENT OR GUARDIAN GRANTING PERMISSION TO APPLY FOR A FIREARMS IDENTIFICATION CARD.
4. HAVE YOU EVER BEEN CONVICTED OF A FELONY? \_\_\_\_\_
5. HAVE YOU EVER BEEN CONVICTED OF THE UNLAWFUL USE, POSSESSION, OR SALE OF NARCOTIC OR HARMFUL DRUGS AS DEFINED IN M.G.L. c. 94C, § 1? \_\_\_\_\_
6. HAVE YOU EVER BEEN CONVICTED OF A CRIME PUNISHABLE BY INCARCERATION BY MORE THAN (1) ONE YEAR? \_\_\_\_\_
7. IN ANY STATE OR FEDERAL JURISDICTION HAVE YOU EVER BEEN CONVICTED AS AN ADULT OR ADJUDICATED A YOUTHFUL OFFENDER OR DELINQUENT CHILD FOR THE COMMISSION OF (a) A FELONY; (b) A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR MORE THAN 2 YEARS; (c) A VIOLENT CRIME AS DEFINED IN M.G.L. c. 140, § 121; (d) A VIOLATION OF ANY LAW REGULATING THE USE, POSSESSION, OWNERSHIP, SALE, TRANSFER, RENTAL, RECEIPT OR TRANSPORTATION OF WEAPONS OR AMMUNITION FOR WHICH A TERM OF IMPRISONMENT MAY BE IMPOSED; OR (e) A VIOLATION OF ANY LAW REGULATING THE USE, POSSESSION OR SALE OF CONTROLLED SUBSTANCES AS DEFINED IN M.G.L. c. 94, § 1? \_\_\_\_\_
8. HAVE YOU EVER BEEN CONFINED TO ANY HOSPITAL OR INSTITUTION FOR MENTAL ILLNESS? \_\_\_\_\_
9. ARE YOU OR HAVE YOU EVER BEEN UNDER TREATMENT FOR OR CONFINEMENT FOR DRUG ADDICTION OR HABITUAL DRUNKENNESS? \_\_\_\_\_
10. HAVE YOU EVER APPEARED IN ANY COURT AS A DEFENDANT FOR ANY CRIMINAL OFFENSE (EXCLUDING NON-CRIMINAL TRAFFIC OFFENSES)? \_\_\_\_\_
11. ARE YOU NOW UNDER ANY CHARGE(S) FOR ANY OFFENSE(S) AGAINST THE LAW? \_\_\_\_\_
12. ARE YOU NOW OR HAVE YOU EVER BEEN THE SUBJECT OF A M.G.L. c. 209A RESTRAINING ORDER OR INVOLVED IN A DOMESTIC VIOLENCE CHARGE? \_\_\_\_\_
13. HAS ANY LICENSE TO CARRY FIREARMS, PERMIT TO POSSESS FIREARMS, OR FIREARMS IDENTIFICATION CARD ISSUED TO YOU UNDER THE LAWS OF ANY STATE, TERRITORY OR JURISDICTION EVER BEEN SUSPENDED, REVOKED OR DENIED? \_\_\_\_\_
14. ARE YOU CURRENTLY THE SUBJECT OF ANY OUTSTANDING ARREST WARRANT IN ANY STATE OR FEDERAL JURISDICTION? \_\_\_\_\_

NAME \_\_\_\_\_ DOB: \_\_\_\_\_

IF YOU ANSWERED "YES" TO ANY OF THE QUESTIONS FOUR THROUGH FOURTEEN, GIVE DETAILS WHICH MUST INCLUDE DATES, CIRCUMSTANCES AND LOCATION:

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(IF NECESSARY USE SEPARATE SHEET OF PAPER TO COMPLETE)

OTHER THAN MASSACHUSETTS, WHAT OTHER STATE, TERRITORY OR JURISDICTION HAVE YOU RESIDED IN?

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HAVE YOU EVER HELD A LICENSE TO CARRY IN ANY OTHER STATE, TERRITORY OR JURISDICTION? \_\_\_\_\_  
IF "YES", WHEN, WHERE AND LICENSE NUMBER:

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LIST NAME AND ADDRESSES OF TWO REFERENCES (NOT REQUIRED IF APPLYING FOR A FIREARMS IDENTIFICATION CARD):

1. \_\_\_\_\_

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2. \_\_\_\_\_

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REASON (S) FOR REQUESTING THE ISSUANCE OF CARD OR LICENSE:

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**CHANGE OF ADDRESS NOTIFICATION REQUIREMENTS:**

MASSACHUSETTS GENERAL LAW REQUIRES THAT:

ANY LICENSEE SHALL NOTIFY, IN WRITING, THE LICENSING AUTHORITY WHO ISSUED SAID LICENSE, THE CHIEF OF POLICE INTO WHOSE JURISDICTION THE LICENSEE MOVES AND THE EXECUTIVE DIRECTOR OF THE CRIMINAL HISTORY SYSTEMS BOARD OF ANY CHANGE OF ADDRESS. SUCH NOTIFICATION SHALL BE MADE BY CERTIFIED MAIL WITHIN 30 DAYS OF ITS OCCURRENCE. FAILURE TO SO NOTIFY SHALL BE CAUSE FOR REVOCATION OR SUSPENSION OF SAID LICENSE (M.G.L. c.140, § 131 (l)).

A CARDHOLDER SHALL NOTIFY, IN WRITING, THE LICENSING AUTHORITY THAT ISSUED SUCH CARD, THE CHIEF OF POLICE INTO WHOSE JURISDICTION SUCH CARDHOLDER MOVES AND THE EXECUTIVE DIRECTOR OF THE CRIMINAL HISTORY SYSTEMS BOARD OF ANY CHANGE OF ADDRESS. SUCH NOTIFICATION SHALL BE MADE BY CERTIFIED MAIL WITHIN 30 DAYS OF ITS OCCURRENCE. FAILURE TO SO NOTIFY SHALL BE CAUSE FOR REVOCATION OR SUSPENSION OF SUCH CARD (M.G.L. c.140, § 129B (11)).

**I DECLARE THE ABOVE FACTS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT ANY FALSE ANSWER(S) WILL BE JUST CAUSE FOR DENIAL OR REVOCATION OF MY LICENSE TO CARRY FIREARMS AND MAY BE USED IN A CRIMINAL PROCEEDING PURSUANT TO M.G.L c. 140, §§ 129 AND 131.**

SIGNED UNDER THE PENALTIES OF PERJURY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_  
(DAY) (MONTH) (YEAR)

SIGNATURE OF APPLICANT \_\_\_\_\_

**APPLICANT: BRING TO YOUR LOCAL LICENSING AUTHORITY (POLICE DEPARTMENT). DO NOT MAIL THE FIREARMS RECORD BUREAU.**

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***LICENSING AUTHORITY (LOCAL POLICE DEPARTMENT:***

*PLEASE RETAIN ONE COPY FOR YOUR FILES, FORWARD ONE COPY TO THE FIREARMS RECORD BUREAU WITH THE COMPLETED LTC/FID OR MG LICENSE FOR DATA ENTRY AND ONE COPY TO THE MASS STATE POLICE WITH THE APPLICANT'S FINGERPRINT CARD (FINGERPRINT CARD REQUIRED FOR NEW APPLICANT, ONLY) FOR APPROPRIATE FINGERPRINT SUPPORTED CRIMINAL RECORD CHECK.*

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