



Massachusetts

INFORMATION FOR VOTERS

**2026 Ballot Questions
STATE ELECTION**

Tuesday, November 3, 2026



VoteInMA.com

Published by

William Francis Galvin
Secretary of the Commonwealth



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the Commonwealth

Dear Voter:

On Tuesday, November 3, 2026, you will have the opportunity to make your voice heard. If you prefer to vote sooner, you can vote early or by mail. Early voting will be held October 17-30. On Election Day, all polling places will be open from 7 a.m. until 8 p.m.

If you are not registered to vote, or you have moved since the last election, visit www.VoteInMA.com to register, check your registration information, and update your address. You must be registered to vote by **Saturday, October 24**, in order to participate in this election.

This year, there will be **nine** binding statewide ballot questions, the most that Massachusetts voters have ever been asked to consider. This official 2026 Information for Voters book contains information on all nine questions, including a summary of each proposal, the full text of the proposed/ existing law, statements describing the effect of a yes or no vote, and brief arguments for and against each question.

The information in this book will assist you in making a thoughtful decision before you vote. With a longer ballot than usual, you may want to take notes and bring this book with you when you go to the polls.

The choices you make in this election will shape the course of government for our state, as well as local communities. I urge you to participate in this process, because your vote matters.

Very truly yours,

William Francis Galvin

William Francis Galvin
Secretary of the Commonwealth

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¡Atención! Si desea recibir este folleto en Español, llame al 617-727-2828 o al 1-800-462-VOTE (8683).

請注意！如果您希望索取本手冊的中文譯本，請致電 617-727-2828 或 1-800-462-8683 。

Chú ý! Nếu bạn muốn nhận tập sách này bằng tiếng Việt, vui lòng gọi 617-727-2828 hoặc 1-800-462-VOTE (8683)

សូមយកចិត្តទុកដាក់! ប្រសិនបើអ្នកចង់បានឯកសារនេះជាភាសាខ្មែរ សូមអ្នកទូរស័ព្ទទៅលេខ 617-727-2828 ឬ 1-800-462-VOTE (8683) ។

Your 2026 Voting Options

Voters in Massachusetts can choose to cast their ballots in the way that is most convenient for them.

If you are registered to vote, you can vote:

- At your polling place, on **November 3, 2026**
- At an early voting site in your city or town, from **October 17-30**
- By mail

You can choose any one of the above options. Before you decide, read below to learn more about the process.

Voting on Election Day

You have an assigned polling place, which is based on your address. If you are not sure where yours is, you can visit www.VoteInMA.com to find your polling place.

Polling places in Massachusetts are open from **7 a.m.** until **8 p.m.** If you are an eligible voter, you can cast a ballot as long as you are in line at your polling place by 8 p.m.

Voting Early

In-person early voting will begin on Saturday, **October 17** and end on Friday, **October 30**.

The early voting period includes two weekends, and every city and town is required to offer some early voting hours on both weekends.

Every city and town will have at least one early voting location. If your city or town has more than one location, you can go to any location to cast your ballot.

Early voting locations and schedules are set by local officials in your community. These schedules will be posted at www.VoteInMA.com no later than October 10, 2026.

Make sure to check your community's schedule before you make your plan to vote. Many communities have limited or no voting hours on Fridays.

Voting by Mail

State law allows you to cast your ballot by mail, without needing a reason to do so. To request your mail-in ballot, you need to submit a Vote by Mail application to your local election office.

Every registered voter was mailed an official 2026 Vote by Mail application earlier this year. You can use that application to request your ballot, or apply online at www.VoteInMA.com. Printable applications are also available.

We recommend that you apply by:

- October 13, if you are mailing your application
- October 20, if you apply online

Your Vote by Mail application will be honored as long as it reaches your local election office by **5 p.m. on Tuesday, October 27, 2026**, but you should apply earlier if you are planning to return your ballot by mail.

You can return your ballot:

- By mail
- By secure ballot drop box in your city or town
- By hand, at an early voting location in your city or town
- By hand, at your local election office

If you have not mailed your ballot within one week of Election Day, it is strongly recommended that your return your ballot by drop box or in person, to ensure your ballot can be counted!

Are You Registered to Vote?

To choose any of these voting options, you first have to be registered to vote.

Visit www.VoteInMA.com to check that your information is up to date, especially if you have moved since the last election.

If you have a Massachusetts driver's license, you can register or update your information at the same website.

If you do not have a Massachusetts driver's license, you can register to vote using a paper form, either by mail or in person at your local election office or early voting location.

You must be registered to vote by **Saturday, October 24, 2026**, in order to vote in this election.

You can register:

- Online until 11:59 p.m. on October 24
- By mail, with a form postmarked by October 24
- In person, by 5 p.m. on October 24

Offices on the Ballot in 2026

Senator in Congress
Governor and Lieutenant Governor
Attorney General
Secretary of State
Treasurer
Auditor
Representative in Congress
Councillor
Senator in General Court
Representative in General Court

District Attorney
Register of Probate
County Treasurer
(Bristol, Norfolk and Plymouth counties only)
County Commissioner
(Barnstable, Bristol, Dukes,
Norfolk and Plymouth counties only),
or Franklin Council of Governments
(Franklin County only)
Sheriff
(Franklin County only)

2026 Ballot Questions

This book contains information on each of the nine statewide questions that will appear on your Nov. 3, 2026 State Election ballot.

Questions 1-8 on your ballot are laws proposed by initiative petition. Voters are asked if they approve of the proposed law. If passed by the voters, these proposals would become law.

For **Questions 1-8** on your ballot, this book contains:

- A summary of the proposed law, prepared by the Attorney General
- Brief statements describing the effect of a “Yes” vote and a “No” vote, prepared by the Attorney General and the Secretary of the Commonwealth
- A statement of the fiscal consequences, prepared by the Secretary of Administration & Finance
- Arguments for and against each proposed law, prepared by proponents and opponents of the question
- Majority and/or Minority Reports, prepared by a special committee of the Massachusetts Legislature
- The full text of each proposed law

Question 9 on your ballot is a referendum on an existing law. Voters are asked if they approve of the existing law. If a majority vote “yes,” the law will remain in place. If a majority vote “no,” the law will be repealed.

For **Question 9** on your ballot, this book contains:

- A summary of the existing law, prepared by the Attorney General
- Brief statements describing the effect of a “Yes” vote and a “No” vote, prepared by the Attorney General and the Secretary of the Commonwealth
- A statement of the fiscal consequences, prepared by the Secretary of Administration & Finance
- Arguments for and against the existing law, prepared by proponents and opponents of the question
- The full text of the existing law

Legislative Majority and Minority reports may be found on pages 24-35.

The full text of each proposed law may be found on pages 36-44.

The full text of the existing law may be found on pages 45-85.

Read on to learn about each of the questions you will find on your ballot.



1

QUESTION 1: Law Proposed by Initiative Petition

Expanding the Public Records Law

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2026?

SUMMARY ►

As required by law, summaries are written by the State Attorney General.

This proposed law would make most records held by the Legislature and the Office of the Governor public records under the Massachusetts Public Records Law. This proposed law would exempt documents related to the development of public policy and communications between legislators

and their constituents, if those communications are reasonably related to a constituent's request for assistance in obtaining government-provided benefits or services or interacting with a government agency.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would make most records held by the Legislature and the Office of the Governor public records under the Massachusetts Public Records Law.

A NO VOTE would make no change to the Massachusetts Public Records Law.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The proposed law has no discernible material fiscal consequences for state and municipal government finances.

ARGUMENTS ► IN FAVOR:

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.**

The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

Massachusetts deserves open government. Good government groups rank our state the least transparent in the nation. We're one of only two states where both the Governor's office and the Legislature claim a blanket exemption from the public records law. Every city, town, and state agency must follow that law, but the politicians on Beacon Hill exempted themselves.

Question 1 puts the Legislature and the Governor's office under the same public records law as everyone else. It protects constituent privacy, and the Secretary of Administration and Finance certified that it has no cost to taxpayers.

In 2024, 72% of voters said yes to auditing the Legislature. Beacon Hill is still fighting that vote — but Question 1 will give you and every taxpayer the ability to access public records directly.

You have a right to see what your government is doing with your hard-earned taxpayer dollars. Please vote YES on Question 1.

Authored by:

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QUESTION 1: Law Proposed by Initiative Petition

ARGUMENTS ► AGAINST:

(continued)

As of the printing of this book, there was no organized group urging a “No” vote on Question 1. The information below has been compiled by the Office of the Secretary of the Commonwealth, in part from arguments presented in the Legislature’s Majority Report. The argument below does not reflect the opinions of the Office of the Secretary of the Commonwealth.

The proposed law includes overly broad and poorly defined exemptions. It would exempt from public disclosure documents related to the development of public policy, but only during policy development. These records would become public once the policy is developed. This limited and temporary exemption will chill open communications by lawmakers, raising significant constitutional concerns, particularly around legislative speech and debate protections.

The narrow protection for constituent communications creates serious privacy risks. By only exempting correspondence tied to benefits or agency interaction, the law leaves vulnerable to public disclosure all other general constituent communications, such as emails and letters from citizens expressing personal political views, sharing sensitive local grievances, or criticizing lawmakers. This lack of comprehensive privacy protection will negatively affect civic engagement and deter residents from contacting their elected officials.

Ultimately, this measure creates a flawed framework that fails to deliver genuine accountability while actively compromising constituent privacy.

Authored by:

“If no argument is received by the secretary from the principal proponents or opponents of a measure within the time allowed by this section, the secretary shall prepare such argument.”

– M.G.L. c. 54 § 54.

2

QUESTION 2: Law Proposed by Initiative Petition

Collective Bargaining for CPCS Employees

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2026?

SUMMARY

As required by law, summaries are written by the State Attorney General.

This proposed law would specify that employees of the Committee for Public Counsel Services ("CPCS") are permitted to engage in collective bargaining with their employer. It

would also require CPCS, after executing a collective bargaining agreement, to request the appropriation necessary to fund such agreement from the Governor.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would specify that Committee for Public Counsel Services employees may form a union to collectively bargain with their employer.

A NO VOTE would make no change to the law governing labor relations for Committee for Public Counsel Service employees.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The proposed law may have an impact on state finances. CPCS receives its funding, in part, from state government appropriations. The fiscal impact of the proposed law is difficult to project due to the uncertainty regarding the outcomes of any such collective bargaining by CPCS employees.

ARGUMENTS IN FAVOR:

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.**

The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

A YES vote will give employees of the Massachusetts Committee for Public Counsel Services (CPCS) the right to organize a union and collectively bargain with their employer if they choose to do so.

CPCS employees provide critical support for the constitutional right to counsel and help ensure that Massachusetts residents who cannot afford an attorney have access to legal representation. Yet, unlike other state employees, CPCS employees do not currently have the right to choose whether to organize and collectively bargain over wages, benefits and working conditions.

This ballot question would allow CPCS employees to form a union if they so choose. It simply gives CPCS employees the right to make that choice for themselves.

Vote YES to give CPCS employees the right to choose.

Authored by:

Tom McKeever

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QUESTION 2: Law Proposed by Initiative Petition

ARGUMENTS ► AGAINST:

(continued)

As of the printing of this book, there was no organized group urging a “No” vote on Question 2. The information below has been compiled by the Office of the Secretary of the Commonwealth, in part from arguments presented in the Legislature’s Majority Report. The argument below does not reflect the opinions of the Office of the Secretary of the Commonwealth.

Allowing employees of the Committee for Public Counsel Services (CPCS) to collectively bargain creates serious operational and fiscal risks for the judiciary. CPCS operates as an independent judicial branch agency tasked with providing constitutional defense to indigent clients. Introducing collective bargaining into this framework could disrupt existing management and supervisory frameworks, introduce ambiguity into lines of authority, and create operational inefficiencies.

Changes to labor relations policies of this scale could have unintended consequences for the delivery of legal services, particularly if they limit the agency’s ability to respond flexibly to fluctuating caseloads, staffing needs, and court demands.

Authored by:

“If no argument is received by the secretary from the principal proponents or opponents of a measure within the time allowed by this section, the secretary shall prepare such argument.”

– M.G.L. c. 54 § 54.

3

QUESTION 3: Law Proposed by Initiative Petition

State Primary Elections

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2026?

SUMMARY

As required by law, summaries are written by the State Attorney General.

► This proposed law would eliminate political party primaries for state elections and instead establish a system where there would be a single, all-party primary in which all candidates, regardless of their party affiliation, would be listed on one ballot, and voters could vote for any candidate on the ballot. The two candidates receiving the most votes in the primary would advance to the general election ballot.

This proposed law would require candidates for governor and lieutenant governor to run and be listed jointly on the ballot in the primary.

This proposed law would provide political party status to any group whose candidates for any statewide office received at least 3% of the ballots cast in the state primary.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

► **A YES VOTE** would eliminate separate party primaries for state elections and require a single primary in which all candidates appear on one ballot, voters could vote for any candidate, and the top two candidates would advance to the general election.

A NO VOTE would make no change to the laws governing primary elections.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

► The proposed law has no discernible material fiscal consequences for state and municipal government finances

ARGUMENTS IN FAVOR:

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.** The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

Massachusetts elected officials should work for us, not insiders. But for years insiders have held the advantage. Many elections are over before most of us ever cast a ballot. Candidates can be blocked at party conventions. Today, two-thirds of the legislature is running unopposed. They can take voters for granted and ignore important issues like affordable housing, energy costs, better schools, and the audit 72% of us demanded.

All-Party Primaries will bring accountability and transparency to Massachusetts politics by making elections more competitive, forcing politicians to listen. All candidates appear on your primary ballot, and the top two advance to November where they need a majority of votes to win. Insiders have less control and we get fresh voices running for office.

More competition means more accountability. Legislators who know voters can replace them listen to us and deliver real results.

Vote Yes on Question 3 for accountability and competition.

Authored by:

Danielle Allen
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QUESTION 3: Law Proposed by Initiative Petition

ARGUMENTS ► AGAINST:

(continued)

VOTE NO ON QUESTION 3

Similar top-two systems in California and Washington have favored wealthy, self-funded candidates who can out-advertise crowded fields and the corporate PACs seeking to purchase offices, while sidelining grassroots candidates and historically marginalized and underrepresented groups such as candidates of color and women. Third-party and independent candidates would be shut out of the general election, and working-class candidates would lose out on institutional support and access to party resources.

This proposal would limit voter choice by allowing only two candidates to advance to November — even if they belong to the same party — reducing competition, lowering voter participation, worsening inequities, and narrowing debate.

Massachusetts voters deserve real choices, not a system that rewards money and name recognition over community support. Vote No.

Authored by:

Vanessa A. Snow

Voter Rights MA

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QUESTION 4: Law Proposed by Initiative Petition

Election Day Registration

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2026?

SUMMARY

As required by law, summaries are written by the State Attorney General.

► This proposed law would permit eligible individuals to register to vote or update their voter registration address on Election Day.

An individual who is eligible to vote could register to vote on Election Day by going to the polling place in the precinct where they live during voting hours and presenting proof of residency and signing a written oath. Proof of residency could be a valid photo identification, or documentation showing the individual's name and the address where the individual resides, such as a current utility bill, bank statement, government check, residential lease, wireless telephone statement, paycheck, current student fee statement or other document from a post-secondary school, or another government document or correspondence. The written oath would require the individual to certify that they are a citizen of the United States, are at least 18 years old, are not legally prohibited from voting, and have not and will not vote in the same election at another

location. The oath would require the individual to acknowledge that providing false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$10,000, or both.

If an individual did not present proof of residency, they would be allowed to cast a provisional ballot, which would be counted only if the individual returned to provide the required information before the close of polls for a municipal election; within two days after a state primary; or within six days after a state election.

Individuals who register to vote on Election Day would be registered to vote in future elections as well as in the election taking place that day.

Individuals who are already registered to vote would not be able to change their political party affiliation on Election Day.

The proposed law would take effect on January 1, 2028.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

► **A YES VOTE** would permit eligible citizens to register to vote or to update their voter registration address at their polling place on Election Day.

A NO VOTE would make no change to the laws governing voter registration.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

► The proposed law has no discernible material fiscal consequences for state and municipal government finances.

QUESTION 4: Law Proposed by Initiative Petition

ARGUMENTS ► *IN FAVOR:*

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.

The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

A vote for Election Day Registration ensures our democracy is truly representative, secure, and modern.

This law would give eligible Massachusetts citizens the ability to register or update their address on Election Day – an opportunity voters in the rest of New England already have.

Allowing voters to register at the polls will give thousands of citizens the chance to participate in important national elections. This policy especially helps those who move frequently, like young people and renters.

Importantly, Election Day Registration enhances election security. Election Day registrants must present verified proof of residence at the polls and sign an oath backed by severe felony penalties to ensure accountability and deter fraud. Provisional ballots would be available to protect the integrity of the vote if documentation is missing.

This law provides maximum voter access with rigorous security safeguards. It is a common-sense reform that guarantees every eligible voice is heard.

Authored by:

Norma B. Shulman

YES on Election Day Registration

444 Washington St.

Brighton, MA 02135

www.electiondayvoterregistration.com

AGAINST:

The public welfare demands that elections be protected from fraud. Same-day voter registration prejudices that welfare by eliminating the advance period during which election officials can examine a registrant's identity, residence, eligibility, or duplicate registration before a ballot is issued.

Instead, officials would be required to make those determinations at the polling place, under substantial time pressure and amid the extraordinary demands of Election Day. Errors, false statements, or conflicting records that escape detection may not be discovered until after the ballot has been cast and commingled with all others, when it can no longer be identified or withdrawn.

Election security depends upon meaningful verification before voting. This ballot question would replace advance review with hurried, same-day judgments that could create avoidable vulnerabilities in election administration, increase the risk that unlawful ballots could affect close contests, and weaken confidence that every ballot was lawfully cast in our elections. Vote No.

Authored by:

Amy Carnevale

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QUESTION 5: Law Proposed by Initiative Petition

State Revenue Limit & Rebate

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2026?

SUMMARY

As required by law, summaries are written by the State Attorney General.

► This proposed law would change the limit on how much revenue the state can collect in a given year. The proposal would limit state revenue in a given year to the net amount of state revenue from the year before, increased by a rate equal to the average growth of wages and salaries in Massachusetts over the most recent three years. If revenue collected by the state in a given year exceeds the limit, the excess amount would be refunded to taxpayers the following year. The proposed law would include all revenue

from the surtax on incomes over \$1 million when calculating the revenue limit and when determining whether state revenue exceeds the limit.

The provisions of the proposed law would all be effective as of July 1, 2027.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

► **A YES VOTE** would change the limit on state revenue collection, tying it to prior year collections plus average wage and salary growth, and provide for a rebate of revenue exceeding that limit.

A NO VOTE would make no change in the law relative to state revenue collection.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

► The proposed law would put stricter limits on allowable annual revenue growth available for budgeting. As a result, the proposal would reduce the amount of money available to support the state budget, which includes local aid for schools and municipal budgets. The proposal would also reduce the amounts available to build the state's Stabilization, or "rainy day," Fund – a reserve of money set aside to help Massachusetts manage economic downturns or emergencies without raising taxes or making major spending cuts. Depending on future conditions, the proposal could change the frequency of statutorily-required refunds to taxpayers.

ARGUMENTS IN FAVOR:

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

A **YES** vote sets reasonable limits on the growth of state government revenue and ensures that taxpayers receive refunds when the Commonwealth collects more money than it needs.

This proposal modernizes the state's existing laws to create stronger fiscal guardrails, promote accountability, guard against future tax increases, and ensure government growth reflects what taxpayers can afford. It will not cut state spending for important services like education, transportation, or healthcare.

Massachusetts families are struggling with the rising cost of housing, groceries, and childcare. When government collects excess revenue, taxpayers deserve to get that money back instead of seeing it absorbed into a state budget that is growing faster than inflation.

With Massachusetts continuing to lose residents to lower-cost states, this ballot question puts taxpayers first. A **YES** vote means you keep more of your hard-earned money, and makes Massachusetts a more affordable place to live, work, and raise a family.

Authored by:

Taxpayers for an Affordable Massachusetts

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QUESTION 5: Law Proposed by Initiative Petition

ARGUMENTS ► **AGAINST:**

(continued)

Vote **NO on 5** to protect public schools, healthcare, and public safety.

Question 5 would put a strict limit on state revenue and investment, requiring **repeated budget cuts**. Healthcare costs would rise, and cities and towns would have to **raise property taxes or lay off teachers and firefighters**.

Question 5 would reduce the state's 'Rainy Day' fund, forcing **massive budget cuts to schools, healthcare, affordable housing, and public safety** during recessions, when spending to create jobs and support residents is needed most.

Question 5 would include revenue from the 'millionaires' tax' — which funds schools and transportation — in the complex, unpredictable algorithm that sets the revenue limit. **Millionaires would get frequent tax rebates**, while the rest of us pay the price.

Question 5 would even threaten Massachusetts' bond rating, **raising the cost of repairing bridges and schools**.

The multi-millionaires funding Question 5 don't need public services themselves. **Vote NO on 5.**

Authored by:

Colette Berard, History Teacher,

Andover Public Schools

Protect Massachusetts' Future

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QUESTION 6: Law Proposed by Initiative Petition

Natural Resource Conservation Fund

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2026?

SUMMARY ▶

As required by law, summaries are written by the State Attorney General.

This proposed law would establish a Nature for All Fund that, subject to appropriation by the Legislature, would receive 50% of state taxes collected from the sale and use of sporting goods, recreational vehicles, and golf courses for the first year of its operation. After July 1, 2028, the Nature for All Fund would begin receiving, subject to appropriation by the Legislature, 100% of state taxes collected on the sale and use of sporting goods, recreational vehicles, and golf courses. The sales tax revenue received by the Nature for All Fund would exclude sales tax revenue transferred to the Massachusetts Bay Transportation Authority State and Local Contribution Fund and the School Modernization and Reconstruction Trust Fund. The proposed law would allow the state Executive Office of Energy and Environmental Affairs to spend the money in the Nature for All Fund for natural resource conservation.

The proposed law would allow public and private donations to the Nature for All Fund. The proposed law would prevent the state comptroller from transferring surplus funds in the Nature for All Fund at the end of the fiscal year. It would also allow state agencies, municipalities, public charities involved in natural resource conservation, tribal governments, and other regional public entities to receive money from the Nature for All Fund.

Natural resource conservation would include the conservation or restoration of land to protect drinking water, streams, rivers, lakes, coasts, farms, forests, connectivity between open

spaces, and lands and natural resources of indigenous cultural significance. Natural resource conservation would also include the creation, improvement, and management of parks, trails, greenspaces or outdoor recreation access.

The proposed law would establish a 15-member Nature for All Board that consists of five state officials and ten members of the public appointed by the Governor. The proposed law would require the ten members of the public to include representatives of underserved communities and indigenous peoples and at least one person with expertise or experience in natural resource conservation. The proposed law would allow the state Executive Office of Energy and Environmental Affairs to spend money from the Nature for All Fund to hire staff to manage the fund. The proposed law would also require the Nature for All Board to establish rules about how the money in the Nature for All Fund should be spent, including rules regarding alignment with environmental justice principles, access to and restoration of lands and natural resources of indigenous cultural significance, promotion of affordable housing development, and other matters regarding spending and bond issuance.

The proposed law would require the state Executive Office of Energy and Environmental Affairs to submit an annual report to various state committees regarding the funds spent to buy or improve land in cities and towns containing environmental justice populations.

The proposed law would take effect on July 1, 2027.

WHAT YOUR ▶

VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would create a fund that could be utilized for natural resource conservation that would receive some state taxes collected on the sale and use of sporting goods and recreational vehicles, and the use of golf courses.

A NO VOTE would not create this natural resource conservation fund or change how sales and use taxes are spent.

QUESTION 6: Law Proposed by Initiative Petition

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

The proposed law would have a significant impact on state and local budgets. While a full fiscal analysis is not feasible, it is estimated that, on an annual basis, the proposed law would automatically divert tens of millions of dollars of tax receipts that are currently supporting the state operating budget to the new fund. This proposed law would also have substantial implementation costs.

ARGUMENTS IN FAVOR:

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments. The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

We all need clean water and nature. Voting **YES** on 6 **protects water, land, and wildlife in Massachusetts — without raising taxes.**

Voting **YES** dedicates as much as \$100 million/year to:

- Protect clean drinking water
- Reduce pollution in rivers, lakes, and the ocean
- Conserve forests, family farms, and natural wildlife habitat
- Prevent flooding and storm damage
- Create and improve parks, trails, and greenspaces for public use

Question 6 doesn't raise taxes or create a new tax. It dedicates the sales tax we already pay on sporting goods to protecting water and nature, and requires **strict oversight and annual reporting** so we can see how funds are spent.

Massachusetts is home to beautiful natural areas and diverse species of birds, fish, and other animals. That's why 90+ local conservation organizations and businesses support **YES on 6 to permanently protect our rivers, lakes, forests, farms, and wildlife habitat** for future generations to enjoy.

Mass Audubon
208 S. Great Rd.
Lincoln, MA 01773
617-682-9926
www.natureforma.org

AGAINST:

As of the printing of this book, there was no organized group urging a "No" vote on Question 6. The information below has been compiled by the Office of the Secretary of the Commonwealth, in part from arguments presented in the Legislature's Majority Report. The argument below does not reflect the opinions of the Office of the Secretary of the Commonwealth.

The proposed law creates an unstable fiscal framework by permanently earmarking up to 100% of state sales tax revenues from sporting goods, recreational vehicles, and golf courses. The proposal would rely on existing state revenue streams that are currently allocated to other ongoing programs and priorities. Implementation of the measure would require the reallocation or reduction of funds presently directed toward other state initiatives, raising questions of opportunity costs and the potential displacement of existing infrastructure and environmental funding priorities.

Even if approved by the voters, the funds may not be allocated to the "Nature for All Fund," as the Legislature retains exclusive authority over appropriations decisions. This constitutional framework ensures that funding decisions remain subject to annual budget deliberation and fiscal prioritization.

The proposed law, as written, raises questions regarding fiscal impacts, programmatic displacement, and constraints on administrative flexibility.

Authored by:

"If no argument is received by the secretary from the principal proponents or opponents of a measure within the time allowed by this section, the secretary shall prepare such argument."

– M.G.L. c. 54 § 54.

7

QUESTION 7: Law Proposed by Initiative Petition

Single Family Homes

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2026?

SUMMARY

As required by law, summaries are written by the State Attorney General.

► This proposed law would allow single-family homes to be built in a residentially zoned area as long as the land on which it is to be constructed is at least 5,000 square feet, has at least 50 feet of land bordering the street, road, or public way that it faces, and has access to public sewer and water services.

The proposed law would allow cities and towns to reasonably regulate certain aspects of those

single-family homes, including their height, distance from neighboring buildings, open space, parking requirements, and whether they can be rented out on a short-term basis. The proposed law would also allow the Executive Office of Housing and Livable Communities to issue guidance or regulations to administer the proposed law.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

► **A YES VOTE** would allow single-family homes to be built on lots of 5,000 square feet or more in residential areas, subject to reasonable local regulation of certain aspects of those homes.

A NO VOTE would make no change to the law relative to building single-family homes.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

► If the proposed law enables the growth of housing in communities, it could provide positive new growth revenues to municipalities. However, it is difficult to project the potential scale of new growth tied to the proposed law. The proposed law thus has no discernible material fiscal consequences for state and municipal government finances.

ARGUMENTS IN FAVOR:

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.** The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

Massachusetts is the hardest state in the country for young adults to buy a home. The middle class is shrinking because housing costs have doubled since 2014. Many seniors are stuck in their homes without somewhere nearby to downsize.

Massachusetts residents, especially young people, are leaving the state to find a more affordable place to live, separating extended families and hurting our economy.

Requiring huge lot sizes to build a single-family home makes houses expensive, reduces construction of new single-family housing, and encourages developers to build giant McMansions to recoup land costs. Anyone who needs a low-cost, single-family suburban home is all but locked out of the market.

A yes vote would reduce minimum lot size requirements to 5,000 square feet - a size more typical of suburbs nationwide - in places with sufficient infrastructure, so we can have more affordable homes for young families and seniors.

Authored by:

Wesley Lima

Legalize Starter Homes

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Lowell, MA 01853

617-506-9464

Legalizestarterhomes.com

QUESTION 7: Law Proposed by Initiative Petition

ARGUMENTS ► **AGAINST:**

(continued)

Vote NO on question 7.

Massachusetts needs more housing, but this statewide ballot measure is the wrong approach. It would override local planning by requiring every city and town to allow single-family homes on lots as small as 5,000 square feet, regardless of existing neighborhoods, infrastructure or environmental conditions.

Local officials are directly responsible to taxpayers, and this would remove significant oversight on behalf of their residents. They understand their communities best, and work with residents to plan for housing while balancing public safety, traffic, water and sewer capacity, schools, and environmental protection. This proposal replaces thoughtful local planning with a one-size-fits-all mandate that ignores the individual needs of all 351 Massachusetts cities and towns.

Communities should continue expanding housing through local planning and collaboration—not through a statewide mandate that removes local decision-making.

Vote NO.

Authored by:

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QUESTION 8: Law Proposed by Initiative Petition

Prohibit Retail Sale of Adult Recreational Use Marijuana

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 6, 2026?

SUMMARY

As required by law, summaries are written by the State Attorney General.

The proposed law would change the type and amount of marijuana that may legally be possessed in Massachusetts by repealing the laws that legalize, regulate, and tax the retail sale of adult recreational use marijuana in Massachusetts. The proposed law would also permit persons 21 years of age and older to possess 1 ounce or less of marijuana including no more than 5 grams in the form of concentrate, and to gift or transfer to another person 21 years of age and older 1 ounce or less of marijuana including no more than 5 grams in the form of concentrate. The proposed law would also impose a civil penalty of \$100 and forfeiture of the marijuana for the possession of marijuana between the weight of 1 and 2 ounces.

For persons 21 years of age and younger, the proposed law would make the possession of 2 ounces or less of marijuana a civil infraction subject to a \$100 fine, forfeiture of the marijuana,

completion of a drug awareness program and community service, and notification to their parents or legal guardian of the offense and penalties.

The proposed law would allow currently licensed adult recreational marijuana businesses to apply on an expedited basis to become a licensed medical marijuana dispensary and to sell their remaining inventory of adult recreational marijuana to medical marijuana dispensaries. The proposed law would retain the Cannabis Control Commission but modify its authority so it would regulate only the medical marijuana market.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect.

The proposed law would take effect on January 1, 2028.

WHAT YOUR VOTE WILL DO

As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would prohibit the legalization, regulation, and taxation of the retail sale of adult recreational use marijuana, and change the penalties for possession of marijuana.

A NO VOTE would make no change to the law relative to marijuana.

STATEMENT OF FISCAL CONSEQUENCES

As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

By repealing the laws that legalize and tax the retail sale of adult recreational use marijuana, the proposed law would reduce the amount that state and municipal governments receive from the taxation of those sales. In fiscal year 2025, taxation of the retail sale of adult recreational use marijuana raised approximately \$280 million in state revenue and \$50 million in local revenue. The state budget, which is supported by tax revenue, funds local aid for schools and municipal budgets.

QUESTION 8: Law Proposed by Initiative Petition

ARGUMENTS ► **IN FAVOR:**

As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.**

The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

MEDICAL AND MENTAL HEALTH PROFESSIONALS, PARENTS, AND BUSINESS OWNERS URGE **YES ON QUESTION 8**

- Question 8 would keep personal possession of marijuana legal, keep medical marijuana legal, and stop commercial marijuana stores
- Since commercial legalization, marijuana is now **the most common drug found in fatal car accidents** in Massachusetts
- **85% of marijuana users admit to driving after** and **over 50% drive within an hour or less**
- **Business owners have increased costs** from higher rates of **workplace injuries, increased healthcare costs, and higher turnover**
- For **every \$1 gained in tax revenue, taxpayers spend \$4.50** to mitigate the effects of legalization from societal expenses including increased healthcare, lost productivity, and crime (like DUI's)
- Modern concentrates and edibles have been linked to mental health conditions like **psychosis, severe anxiety, and schizophrenia**, particularly in young adults
- As a result of commercial marijuana, **ER visits in Massachusetts have drastically increased** for teenagers with psychiatric conditions

Authored by:

Dr. Jeffrey Morgan, MD (Ret.)

Retired Oncologist and Physician and Retired Instructor of Medicine

Coalition For a Healthy Massachusetts

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AGAINST:

VOTE NO ON QUESTION 8

Question 8 would create serious public health and safety problems by repealing the rules and regulations that currently control the production and sale of marijuana in Massachusetts.

For ten years, Massachusetts has regulated marijuana, ensuring that products are tested for safety, packaged and labelled properly, and sold in licensed businesses to adults 21 and over.

Question 8 would undo that progress, returning marijuana to the illicit market where there are no safeguards in place. Law enforcement would be forced to waste time and resources on marijuana arrests instead of fighting serious crime. Historically, marijuana arrests have disproportionately impacted communities of color. Recriminalizing marijuana would make Massachusetts less safe.

Question 8 would shut down hundreds of small businesses, kill thousands of jobs, and eliminate billions of dollars in state tax revenue.

We must not go backwards on public health and safety.

Vote NO on Question 8.

Authored by:

Ryan Dominguez

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QUESTION 9: Referendum on an Existing Law

Firearms Regulation

Do you approve of a law summarized below, which was approved by the House of Representatives on July 18, 2024 by a vote of 124 to 33, and approved by the Senate on July 18, 2024 by a vote of 35 to 5?

SUMMARY ►

As required by law, summaries are written by the State Attorney General.

This law makes a number of changes to Massachusetts laws governing firearms.

The law adds school administrators and licensed healthcare providers as parties permitted to ask a court to issue an Extreme Risk Protection Order – requiring an individual to surrender or relinquish their firearm licenses, permits, and firearms - if an individual is a present danger to self or others. The law also provides that, when issuing an Harassment Prevention Order, a court may also order the surrender of firearms licenses, permits, and firearms.

The law imposes penalties for possessing, creating, and transferring untraceable “ghost gun” firearms and requires all firearms except antiques and relics, including unfinished frames and receivers that can be readily made into a finished product, to have serial numbers. The law includes privately-made guns like 3D-printed guns within the provisions governing untraceable “ghost gun” firearms.

The law changes firearms licensing requirements to: (1) allow local licensing authorities to request prior license and permit information from the state, as well as access petitions for involuntary mental health commitments denied by a court in addition to prior involuntary commitments, as a part of their review of applications for licenses to carry firearms, firearm ID cards, and licenses to sell firearms; (2) require an individual to be 21 years of age to own semiautomatic rifles or shotguns; (3) add the possibility of incarceration of up to six months for a second offense of failing to report a firearm loss or theft; and (4) enable 12-15 year olds to apply for a self-defense spray permit with parental permission, and 15 to 18 year olds to apply independently.

The law allows local firearm licensing authorities to transfer the responsibility to inspect firearm dealers to the State Police. The law requires local licensing authorities to attend statewide training regarding those inspections. It requires dealers

to confiscate expired or suspended licenses and report them to the state and to local licensing authorities.

The law changes the definition of “machine gun” to include bump stocks, trigger cranks, Glock switches and auto sears among the devices whose possession and use are subject to penalties. It expands the definition of “silencer” to include the parts used to construct a silencer.

The law clarifies how to determine whether a firearm is an assault-style weapon and the circumstances under which a person may continue to possess assault-style weapons and large capacity feeding devices they already own.

The law requires the state Firearm Control Advisory Board and the state Secretary of Public Safety and Security to review and update the rosters of prohibited assault-style firearms, approved firearms, and approved firearms sold for target shooting.

The law clarifies requirements relating to the carry and transport of firearms in motor vehicles and ATVs. It prohibits the carrying of firearms in government buildings, polling locations, and schools, with certain exceptions.

The law expands data compilation and reporting requirements to and from the state, and creates a publicly-accessible dashboard of anonymized aggregate firearm data, along with a commission to study that data.

The law requires the State Police to provide training and a test for new applicants for licenses to carry or Firearm ID cards.

The law establishes two special legislative commissions – one to examine funding for violence prevention services, and one to study emerging firearms technology.

The law criminalizes discharging a firearm and striking a building in use.

QUESTION 9: Referendum on an Existing Law

WHAT YOUR VOTE WILL DO
As required by law, the statements describing the effect of a "yes" or "no" vote are written jointly by the State Attorney General and the Secretary of the Commonwealth.

A YES VOTE would keep in place the law, which increases the regulation of firearms, including ghost guns, machine guns, and assault-style weapons.

A NO VOTE would repeal this law.

STATEMENT OF FISCAL CONSEQUENCES
As required by law, statements of fiscal consequences are written by the Executive Office of Administration and Finance.

Since the passage of this safety law in 2024, the Commonwealth has made significant investments to implement the law including training employees, promulgating new gun licensure processes, and developing IT infrastructure. Repealing the law would require the Commonwealth to expend resources in suspending or re-directing those investments.

ARGUMENTS
As provided by law, the 150-word arguments are written by proponents and opponents of each question, and reflect their opinions. **The Commonwealth of Massachusetts does not endorse these arguments, and does not certify the truth or accuracy of any statement made in these arguments.** The names of the individuals and organizations who wrote each argument, and any written comments by others about each argument, are on file in the Office of the Secretary of the Commonwealth.

IN FAVOR:

A YES vote will keep in place Massachusetts' lifesaving 2024 gun safety law. The law made vital updates, including banning ghost guns; outlawing devices that turn semi-automatic weapons into machine guns; expanding tools to help prevent firearm suicide and mass shootings; creating a firearms data dashboard to better understand gun trafficking; and more.

Thanks to our comprehensive approach to gun violence prevention, Massachusetts has a gun death rate 70% lower than the national average. Critical elements of the 2024 law are actively being implemented; they are already helping keep our communities safe.

To continue driving the rate of gun violence even lower, we must maintain the strong policies included in this existing law. A YES vote will preserve this law, safeguard important progress, and allow us to continue the work of eradicating gun violence. Repealing it would make everyone in Massachusetts less safe.

Authored by:
Ned Notis-McConarty
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508-203-7985
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AGAINST:

A No vote on Question 9 repeals an unnecessary reinvention of state firearms law. Before the new law, the state already had some of the strictest gun laws in the country. Chapter 135 isn't about public safety—it is a deeply flawed, 116-page piece of bureaucratic overreach that wastes valuable tax dollars and burdens local communities. Passed without proper planning, the law mandates an expensive, real-time electronic tracking system that the state hasn't funded and doesn't know how to build. It also forces local police departments to enforce a confusing patchwork of vague rules, pulling officers away from investigating violent crime to plow through piles of administrative paperwork. State agencies have struggled to explain the law, issuing dozens of clarifications for rules that treat harmless historical re-enactors and antique hobbyists like criminals. Vote no on Question 9. Demand common-sense, transparent legislation focused on violent criminals, not limiting citizens' civil rights.

Authored by:
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Legislative Reports

The following reports were written by members of the Legislature's Special Joint Committee on Initiative Petitions. The Massachusetts Constitution allows the Legislature to include these reports in this book. Statements made in this report do not reflect the opinions of the Office of the Secretary of the Commonwealth.

QUESTION 1: Majority Report

A majority of the Special Joint Committee on Initiative Petitions Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-14, House 5004, *Initiative Petition for a Law to Improve Access to Public Records*, on March 3, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5590.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions ("the Committee") voted to recommend that the General Court **take no action** on Initiative Petition 25-14, House 5004, *Initiative Petition for a Law to Improve Access to Public Records* ("the Petition").

This Petition intends to subject the Governor's office and the Legislature to the public records law under chapters 4 and 66 of the Massachusetts General Laws. The Committee notes that while the Petition would provide two new exemptions to the public records law beyond what currently exists in chapter 4, it was pointed out at the legislative hearing that those additional exemptions may be less helpful than the proponents believe them to be. The proponents stated at the hearing that they offered the new exemptions to avoid legal concerns related to disclosing constituent correspondence and policy development records to the public. However, the new exemption for constituent communications is too narrow to address those legal concerns. The proposed new exemption related to constituent communications covers only specific requests

from constituents to legislators for assistance in obtaining government-provided benefits or services or otherwise interacting with a state or federal agency. The new exemption would not cover communications involving constituents who are seeking connection to services that are not run by the state or federal government, such as services provided by a hospital or non-profit organizations. The proposed exemption also would not prevent the disclosure of communications from constituents relating to advocacy for or against specific legislation; that limitation could hinder an individual's desire to communicate with legislators and suppress their right to petition their government.

With respect to the proposed exemption for records relating to developing policy positions, the proponents made clear at the hearing that the exemption is intended to cover only communications during policy development, and any such exemption expires once the policy is developed. Such an exemption is limited and temporary, and it will chill open communications by lawmakers in a manner that raises significant constitutional concerns, particularly around legislative speech and debate protections.

Contrary to assertions made by proponents, the Committee notes that the legislative process in the Commonwealth is already structured to be publicly accessible. All hearings are conducted in open public sessions, and testimony is accepted from members of the public, advocacy organizations, subject matter experts, and government officials. Legislative sessions, hearings, and committee meetings are publicly noticed and open to the public, and many are live-streamed and archived for later viewing.

In addition, the Massachusetts Legislature provides multiple avenues for public engagement. Bills, amendments, and roll-call votes are published online, enabling residents to track legislation and review how their elected representatives vote. Committee calendars, reports, votes, and related documents are also made publicly available, allowing constituents to follow the progress of legislation through the committee process. These mechanisms collectively ensure a high degree of visibility into the legislative process and opportunities for public participation.

Also, the Committee concludes that the proposed changes may impose substantial administrative burdens on the state, both for compliance and enforcement. State entities would likely need to reallocate staff resources, develop new

QUESTION 1: Majority Report (continued)

compliance protocols, and potentially modify existing records management systems in order to meet the requirements of the Petition. These operational demands could divert resources away from other core governmental functions.

In reaching this determination, the Committee reviewed the language and intent of the proposed measure, as well as testimony and evidence presented during the public hearing, which is available on the Committee’s website. The Committee recognizes the importance of public access to government records; however, it has significant concerns regarding the Petition’s potential operational, legal, and fiscal impacts.

Based on testimony by the experts and from the opponents, the Committee believes that this Petition violates the separation of powers mandated by the Massachusetts Constitution. This Petition would, through law, require the Secretary of the Commonwealth — an officer of the executive branch — to enforce this law against the Senate and House of Representatives in the legislative branch. This would violate the Massachusetts Constitution as it would provide the executive branch with supervisory authority over the legislative branch; such a dramatic shift in authority between the branches of Massachusetts government can only be accomplished through a constitutional amendment, not a new statute.

The Committee knows that the members of the Legislature have a shared commitment to increasing public access to the Legislature, and we look forward to helping increase accessibility through means that avoid the constitutional pitfalls of the present Petition.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition’s broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time. Nevertheless, the Justices of the Supreme Judicial Court in an advisory opinion issued on April 27, 2026, stated that the Initiative Petition may raise several significant constitutional questions (including whether the Initiative Petition violates the separation of powers), and the Justices reserved consideration of those constitutional concerns for another occasion.

As the Legislature cannot amend this proposal, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-14, House 5004, *Initiative Petition for a Law to Improve Access to Public Records*.

Senators.	Representatives.
Cindy F. Friedman	Alice Hanlon Peisch
Brendan P. Crighton	Kate Hogan
Paul R. Feeney	Frank A. Moran
	Michael S. Day
	David T. Vieira

QUESTION 1: Minority Report

Relative to Improving Access to Public Records

The Legislature has a fundamental responsibility to operate with openness and integrity, and adopting this initiative is a critical step toward fulfilling that obligation. Every executive branch agency and department in the Commonwealth, along with municipal government entities, are required to comply with the public records law, ensuring that residents have access to information about how their government functions. The public entrusts elected officials with significant authority, and with that authority comes the expectation of transparency, accountability, and accessibility. Strengthening public records access would

align the Legislature with the practices already adhered to by other state entities. Transparency is not a burden, it is a core feature of good governance, and one that residents should never be denied.

For these reasons, the minority of the Committee recommends that the General Court adopt Initiative Petition 25 14, House 5004, *Initiative Petition for a Law to Improve Access to Public Records*.

Senator.
Ryan C. Fattman

QUESTION 2: Majority Report

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on *Initiative Petition 25-22, House 5009, Initiative Petition for a Law Relative to Labor Relations Policies for Committee for Public Counsel Services Employees*, on March 16, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts and proponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5595.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions (“the Committee”) voted to recommend that the General Court **take no action** on Initiative Petition 25-22, House 5009, *Initiative Petition for a Law Relative to Labor Relations Policies for Committee for Public Counsel Services Employees* (“the Petition”).

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a close examination of its language, structure, and stated intent. The Committee evaluated testimony and documentary evidence presented during the public hearing, along with written submissions received by the Committee. The testimony reflected a broad range of perspectives from stakeholders with direct experience in public defense, labor relations, and public administration.

Proponents of the Petition argued that the proposed changes would enhance employee representation within the Committee for Public Counsel Services (CPCS), promote greater consistency and fairness in workplace policies, and support improved recruitment and retention

of attorneys and staff. Several supporters emphasized ongoing challenges related to workload, compensation, and workplace conditions, and contended that expanded labor protections and collective bargaining rights would strengthen the agency’s ability to attract and retain qualified personnel, ultimately benefiting the clients CPCS serves.

Experts raised concerns regarding the scope and structure of the proposal. Testimony highlighted the potential for the measure to disrupt existing management and supervisory frameworks, introduce ambiguity into lines of authority, and create operational inefficiencies. Some witnesses also cautioned that changes to labor relations policies of this scale could have unintended consequences for the delivery of legal services, particularly if they limit the agency’s ability to respond flexibly to fluctuating caseloads, staffing needs, and court demands.

The Committee notes that the Committee for Public Counsel Services was established to ensure that indigent individuals in the Commonwealth receive legal representation in criminal and certain family law matters, consistent with the Sixth Amendment to the United States Constitution and Article XII of the Declaration of Rights of the Constitution of the Commonwealth. Public defenders and assigned counsel fulfill a critical constitutional function, and their role in safeguarding due process and equal access to justice is fundamental to the integrity of the legal system.

In evaluating the Petition, the Committee carefully considered the testimony of the experts, proponents and members of the public. Based on the issues raised by the testimony, the Committee encourages continued dialogue and collaboration between the petition’s proponents and the Committee for Public Counsel Services to address issues highlighted by the testimony. The Committee further encourages CPCS to continue examining and addressing workplace challenges in a manner that strengthens both employee well-being and the agency’s core mission of delivering high-quality legal representation to indigent clients.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition’s broader constitutionality; her certification decision is limited

QUESTION 2: Majority Report (continued)

only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-22, House 5009, *Initiative Petition for a Law Relative to Labor Relations Policies for Committee for Public Counsel Services Employees*.

Senators.	Representatives.
Cindy F. Friedman	Alice Hanlon Peisch
Brendan P. Crighton	Kate Hogan
Barry R. Finegold	Frank A. Moran
	Michael S. Day
	David T. Vieira

QUESTION 3: Majority Report

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-12, House 5003, *Initiative Petition for a Law to Implement to All-Party State Primaries*, on March 31, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5632.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions (“the Committee”) voted to recommend that the General Court **take no action** on Initiative Petition 25-12, House No. 5003, *Initiative Petition for a Law to Implement to All-Party State Primaries* (“the Petition”).

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended

effect. The Committee evaluated testimony and supporting evidence presented during the public hearing, as well as additional written submissions from election officials, policy experts, advocacy organizations, and members of the public. This testimony raised administrative and fiscal implications of implementing the proposal at both the state and municipal levels, as well as concerns that all-party primaries may result in vote splitting, reduced party accountability, voter confusion, and strategic voting, often disadvantaging less-funded candidates and producing unpredictable or unrepresentative outcomes.

The Petition would reform the Commonwealth’s method for selecting candidates for a general election by removing partisan primaries and instead transitioning to an “all-party” state primary. Under this proposed system, which is also called a “top-two” primary in other jurisdictions that implement a similar structure, candidates for elected office run in a primary election against all of the other candidates for that office, and the candidates who receive the first and second highest number of votes in the primary election are the only candidates to advance to the general election.

The system of a partisan primary election administered by the Commonwealth was implemented in 1911, establishing direct voter nomination of candidates for state offices. This law changed the practice at the time, when each party controlled the method of nominating candidates to represent their party in the general election. The proposed Petition would remove the ability for voters to choose their candidate of choice to represent their preferred party in a general election and would instead ask voters in a primary election to vote for one candidate for that office among all candidates regardless of party affiliation.

The Petition proposes a new system to address the loss of a partisan primary election, whereby candidates for office would be allowed to display their party affiliation on both the primary and general election ballot based on their voter

QUESTION 3: Majority Report (continued)

registration, as well as a newly created endorsement by a party or a political designation that also can be listed on the ballot.

The proponents testified that this new endorsement would afford political parties and political designations the ability to have a demonstrative say in the preferred candidates of their party. However, it is important to note that this method does not currently exist for either of the two largest parties by registration in the Commonwealth, the Democratic and Republican parties. Currently, these parties use a convention to formally endorse candidates in statewide elected office, but the party’s endorsement does not currently appear as a notation on the ballot in a partisan primary election. As there is no current method or infrastructure for either of the two largest parties to endorse candidates below statewide office, this Petition leaves an open question as to how that would operate and how the endorsement of a party could be secured, as well as the possibility that parties could use an unfair or private process to determine a method for endorsement that could have a major impact on an election, which would be contrary to the 1911 primary election reforms and the stated goals of the proponents.

The proponents posture that this Petition would increase voter participation and increase the number of elected officials from third parties or who are independent from a party. The available evidence does not indicate either of these claims to be accurate. In a study of the impacts of California switching to a “top-two” primary system, evidence shows that turnout in the primary election increased, but conversely, participation in the general election decreased, when comparing both to the previous partisan primary process. In other words, this process had the additional negative effect of decreasing voter participation in general elections in California. Further, a review of the makeup of California and Washington’s state legislatures demonstrate that there are zero members of a third party or who are independent of a party serving as active members, which is less than the current makeup of the Legislature in Massachusetts, which does not use a “top-two” primary system. The proponents stated that

Alaska has legislators who are independent of a party, but Alaska uses a “top-four” primary system that is coupled with ranked choice voting for the general election, a total system that combined is vastly different from what the Petition proposes. As written, the implementation of this Petition can lead to general elections where two candidates from just one major party are the only candidates for a voter to choose from, such as two Republican candidates or two Democratic candidates. This has occurred in California, and has been stated as a contributing factor towards the decrease in turnout in general elections.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition’s broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-12, House 5003, *Initiative Petition for a Law to Implement to All-Party State Primaries*.

Senators.	Representatives.
Cindy F. Friedman	Alice Hanlon Peisch
Brendan P. Crighton	Kate Hogan
Paul R. Feeney	Frank A. Moran
	Michael S. Day
	David T. Vieira

QUESTION 4: Majority Report

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-08, House 5001, *Initiative Petition for a Law Relative to Election Day Registration*, on March 31, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5603.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions (“the Committee”) voted to recommend that the General Court **take no action** on Initiative Petition 25-08, House 5001, *Initiative Petition for a Law Relative to Election Day Registration* (“the Petition”).

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended effect. The Committee evaluated testimony and supporting evidence presented during the public hearing, as well as supportive written submissions from election officials, policy experts, advocacy organizations, and members of the public. In addition, potential legal, administrative, and fiscal implications associated with implementing the proposal at both the state and municipal levels were raised

along with the identification of staffing and technology infrastructure needs, that testifiers believed were necessary to implement same day registration.

The Petition proposes to establish a system of election day registration, allowing otherwise eligible voters to register and cast a ballot on the same day, including during early voting periods and on election day itself. The Committee recognizes the importance of promoting civic engagement and ensuring broad and equitable access to the electoral process.

The Committee supports ongoing efforts to expand voter access and participation but finds the petition as written (which the Legislature cannot modify) does not adequately address the operational challenges raised by the testimony it received.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition’s broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-08, House 5001, *Initiative Petition for a Law Relative to Election Day Registration*.

Senators.	Representatives.
Cindy F. Friedman	Alice Hanlon Peisch
Brendan P. Crighton	Kate Hogan
Barry R. Finegold	Frank A. Moran
	Michael S. Day
	David T. Vieira

QUESTION 5: Majority Report

Note: The reports relating to Question 5 make several references to an “Initiative Petition for a Law Relative to Reducing the State Personal Income Tax Rate from 5% to 4%.” This initiative is not one of the questions appearing on the 2026 State Election ballot.

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-17, House 5006, *Initiative Petition for a Law Relative to Limiting State Tax Collection Growth and Returning Surpluses to Taxpayers*, and Initiative Petition 25-18, House 5007, *Initiative Petition for a Law Relative to Reducing the State Personal Income Tax Rate from 5% to 4%*, on March 30, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petitions, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5631.

On May 4, 2026 a majority of the Special Joint Committee on Initiative Petitions (“the Committee”) voted to recommend that the General Court **take no action** on Initiative Petition 25-17, House No. 5006, *Initiative Petition for a Law Relative to Limiting State Tax Collection Growth and Returning Surpluses to Taxpayers* and Initiative Petition 25-18, House No. 5007, *Initiative Petition for a Law Relative to Reducing the State Personal Income Tax Rate from 5% to 4%*.

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended effect. The Committee evaluated testimony and supporting evidence presented during the public hearing,

as well as supportive written submissions from policy and economic experts, advocacy and labor organizations, and members of the public. The review found that together, these Initiative Petitions would significantly weaken the Commonwealth’s ability to respond to economic downturns by reducing revenues, limiting reserves, and triggering refunds after recessions, jeopardizing funding for essential services while disproportionately benefiting high-income earners over lower- and middle-income residents.

The two Petitions, if implemented, would reduce or limit the amount of revenue the state government receives in a fiscal year. The Petition reducing the income tax from 5% to 4% would result in a projected loss of over \$5.3 billion in state revenues in the first full fiscal year after implementation, according to an analysis by the Massachusetts Taxpayers Foundation. This reduction is equivalent to 406.7% of Fiscal Year (FY) 2026 Unrestricted General Government Aid, which is state aid that goes directly to cities and towns to reduce the amount of local spending funded by property taxes, or 73.1% of FY 2026 Chapter 70 education aid, which is state aid to cities, towns, and regional school districts to cover educational expenses. This reduction would have a drastic impact on state budgeting and the ability to fund the programs and services that the residents of the Commonwealth expect and deserve.

During the hearing, the proponents of the Petition noted projected tax savings under the reduction of the income tax, but these savings are largely gained by taxpayers with over \$1 million in taxable income. Those at the threshold of the Fair Share surtax – the amount where an additional 4% in income tax begins to be assessed – would see estimated tax savings of \$10,744 per year, while full-time, married workers at \$25 an hour would see savings of \$381 per year, and a full-time, married couple earning an income of \$80,115 would see savings of \$713 per year, for example. Further to the benefit of million-dollar plus earners, the reduction in income tax would also reduce the current short-term capital gains tax on investments from 8.5% to 4%. Lower- and middle-income earners without substantial investment income would see a much smaller savings in income taxes compared to million-dollar plus earners.

The Petition related to changing the formula that calculates the Chapter 62F revenue growth limit would tweak a law that has only been triggered twice since the law was

QUESTION 5: Majority Report (continued)

enacted in 1986, once in 1987 and again in 2022. Chapter 62F was established to serve as a check on state spending by ensuring that revenue could not grow excessively. The law requires the Department of Revenue to issue a credit to taxpayers if total tax revenues in a given fiscal year exceed an annual cap tied to wage and salary growth in the Commonwealth. This Petition aims to change the Chapter 62F calculation by including revenues collected through the Fair Share Amendment, which are currently not part of the formula. It would also base the maximum revenue the state could collect on the *actual* amount of revenue collected in the previous year, rather than the current formula which is based on the previous year’s *limit*. This would hinder the state’s economic resiliency during uncertain times, as a bad economic year would likely result in lower revenues, and a resulting economic bounce back the following year would more likely trigger a tax refund. This would mean that the state would have less of an ability to restore funding to programs that were cut or to replenish the state’s stabilization fund (“Rainy Day Fund”) that is used to supplement a loss of revenue and keep programs funded during a bad economic outlook.

In combination, these Petitions would severely impact the Commonwealth’s ability to withstand fluctuating economic conditions created by periods of recession or high inflation, where expenses grow faster than revenue. In the Great Recession of 2008, Massachusetts turned to the Stabilization Fund to ensure that schools were able to be funded, programs were not drastically slashed across the board, and state employees would receive their paychecks. With the reduction in revenue from reducing the income tax, the state would very likely struggle to maintain a healthy set of reserves in the stabilization fund to get through a recession, and the new calculation of the Chapter 62F revenue limit would likely trigger refunds in

the year following a recession. Combined, these Petitions have the potential to bring a devastating impact to funding for our roads, bridges, schools, safety net programs, while bringing minimal savings back to lower- and median-income residents and, instead, funding large tax savings and rebates for million-dollar plus earners.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition’s broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-17, House No. 5006, *Initiative Petition for a Law Relative to Limiting State Tax Collection Growth and Returning Surpluses to Taxpayers*, and Initiative Petition 25-18, House 5007, *Initiative Petition for a Law Relative to Reducing the State Personal Income Tax Rate from 5% to 4%*.

Senators.	Representatives.
Cindy F. Friedman	Alice Hanlon Peisch
Brendan P. Crighton	Kate Hogan
Paul R. Feeney	Frank A. Moran
Barry R. Finegold	Michael S. Day
	David T. Vieira

QUESTION 5: Minority Report

Laws Relative to Tax Policy

Reducing the income tax would place an average of \$1,500 in the pockets of Massachusetts families, providing meaningful financial relief and helping to make the Commonwealth more affordable across essential cost areas, including housing, childcare, electricity, fuel, and healthcare. Massachusetts is amongst the least affordable states to live in with one of the highest rates of net out-migration. Our neighbors, friends, and family are leaving and taking with them the state’s economic future. The Commonwealth ranked last in private sector job

creation, a bleak illustration of the state’s waning economic vitality. Families and individuals of all income brackets are leaving the state in search of a more affordable cost of living because of the state’s misaligned priorities, and without a significant change in course, the consequences of these policies will not meet the needs of residents. The Commonwealth turned a blind eye to reforming the state’s so-called “Right-to-Shelter Law”, which siphoned a multi-billion-dollar hole in the state budget, despite legislative efforts to reign in the law. Further, at its peak, more than \$3,300 was spent per week per family, many

QUESTION 5: Minority Report (continued)

of whom were not legally present and could not be legally permitted to contribute to the state's economy by entering the state's workforce. The Commonwealth's clean energy and climate plan adopted in the Global Warming Solutions Act has further exacerbated the affordability crisis. During the hearing for these petitions, some provided testimony suggested that a 1% cut to the state income tax was insignificant for Massachusetts residents. Providing tax relief is not simply a matter of economic policy; it is an acknowledgment of the everyday challenges facing residents and a commitment to making Massachusetts a place where people can afford to live, work, and build their futures. If Massachusetts hopes to remain competitive with neighboring states, it must meaningfully address the financial pressures residents face. Residents of the state need relief from the unaffordable policies that the state legislature and Governor have adopted, driving up the

costs of housing and energy. These two initiative petitions provide a practical pathway toward relieving some of this burden by reducing the tax load on individuals and ensuring that the Commonwealth does not collect revenue beyond what is reasonably needed to fund essential services.

For these reasons, the minority of the Committee recommends that the General Court adopt Initiative Petition 25-18, House 5007, *Initiative Petition for a Law Relative to Reducing the State Personal Income Tax Rate from 5% to 4%*, and Initiative Petition 25-17, House 5006, *Initiative Petition for a Law Relative to Limiting State Tax Collection Growth and Returning Surpluses to Taxpayers*.

Senator.

Ryan C. Fattman

QUESTION 6: Majority Report

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-15, House 5005, *Initiative Petition for a Law to Protect Water & Nature*, on March 23, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5601.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions ("the Committee") voted to

recommend that the General Court **take no action** on Initiative Petition 25-15, House 5005, *Initiative Petition for a Law to Protect Water & Nature* ("the Petition").

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended effect, as well as testimony and documentary evidence presented at the public hearing. The Committee also considered written submissions from environmental policy experts, state agency representatives, municipal officials, conservation advocates, and members of the public. In addition, the Committee evaluated the potential legal, environmental, administrative, and economic implications of the Initiative Petition, including its interaction with existing statutory authorities governing land conservation, water resource management, and capital planning.

A majority of the Committee has raised concerns regarding the structure, scope, and potential impacts of the Petition as drafted. While proponents of the measure assert that it is designed to be financially neutral and does not constitute a tax increase, the Committee notes that the proposal would rely on existing state revenue streams that are currently allocated to other ongoing programs and priorities. As a result, implementation of the measure would require the reallocation or reduction of funds presently directed toward other state initiatives, including investments administered through agencies such as the Department of Conservation and Recreation. This raises questions of opportunity costs and the potential

QUESTION 6: Majority Report (continued)

displacement of existing infrastructure and environmental funding priorities.

The Committee also noted the inclusion of the phrase “subject to appropriations” within the Petition. Under Article 48 of the Amendments to the Massachusetts Constitution, ballot initiatives may not directly appropriate funds. Accordingly, even if approved by the voters, the measure would not itself compel the expenditure of funds but would instead operate within the Commonwealth’s existing budgetary process, in which the Legislature retains exclusive authority over appropriations decisions. This constitutional framework ensures that funding decisions remain subject to annual budget deliberation and fiscal prioritization. As such, passage of this Petition would neither guarantee additional funding nor materially change the status quo.

The Committee recognizes the importance of protecting water resources, preserving natural ecosystems, and supporting long-term environmental sustainability across the Commonwealth. However, after careful consideration, a majority of the Committee concludes that the Petition, as written, raises questions regarding fiscal impacts, programmatic displacement, and constraints on administrative flexibility.

It is important to note that Article 48 of the Amendments

to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition’s broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-15, House 5005, *Initiative Petition for a Law to Protect Water & Nature*.

Senators.	Representatives.
Cindy F. Friedman	Alice Hanlon Peisch
Brendan P. Crighton	Kate Hogan
Barry R. Finegold	Frank A. Moran
	Michael S. Day
	David T. Vieira

QUESTION 7: Majority Report

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-03, House 5000, *Initiative Petition for a Law to Allow Single-Family Homes on Small Lots in Areas with Adequate Infrastructure* on March 16, 2026. The Special Joint

Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5597.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions (“the Committee”) voted to recommend that the General Court **take no action** on Initiative Petition 25-03, House 5000, *Initiative Petition for a Law to Allow Single-Family Homes on Small Lots in Areas with Adequate Infrastructure* (“the Petition”).

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended effect. The Committee evaluated testimony and documentary evidence presented during the public hearing, including input from subject matter experts in housing policy, municipal governance, land use planning,

QUESTION 7: Majority Report (continued)

and infrastructure management, as well as statements from proponents, opponents, and members of the public. In addition, the Committee considered the potential legal, administrative, and fiscal implications of the proposal for both the Commonwealth and its municipalities.

The Initiative Petition seeks to permit, as a matter of right, the development of single-family homes on 5,000 square foot lots in areas determined to have adequate infrastructure, notwithstanding existing local zoning requirements. The stated objective of the petition is to increase housing production of small homes, expand the supply of buildable land, and improve housing affordability across the Commonwealth. Opponents question whether the goal of the petition would be realized given the specific language of the petition. For example, they noted ambiguity around size of structures, and a lack of implementation guidance (including how “adequate” infrastructure would be determined), which could result in uneven application across jurisdictions. The Committee recognizes the urgency of the Commonwealth’s housing challenges and the importance of advancing policies that promote the development of diverse, accessible, and attainable homeownership opportunities.

While the Committee supports the overarching goal of expanding housing opportunities and acknowledges the need for bold and effective responses to the Commonwealth’s housing shortage, based on the testimony received and the fact that the legislature cannot by law make any changes to the ballot question as written by the

proponents, the Committee cannot support this Petition.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition’s broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-03, House 5000, *Initiative Petition for a Law to Allow Single-Family Homes on Small Lots in Areas with Adequate Infrastructure*.

Senators.	Representatives.
Cindy F. Friedman	Alice Hanlon Peisch
Brendan P. Crighton	Kate Hogan
Paul R. Feeney	Frank A. Moran
Barry R. Finegold	Michael S. Day
	David T. Vieira

QUESTION 8: Majority Report

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-

10, House 5002, *Initiative Petition for a Law Relative to Regulating Marijuana*, on March 23, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5602.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions (“the Committee”) voted to recommend that the General Court **take no action** on Initiative Petition 25-10/House 5002, *Initiative Petition for a Law Relative to Regulating Marijuana* (“the Petition”).

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended

QUESTION 8: Majority Report (continued)

effect, and the legal framework it seeks to modify. The Committee also evaluated testimony and documentary evidence presented during the public hearing, along with written submissions from subject matter experts, public health professionals, industry representatives, municipal officials, law enforcement stakeholders, and members of the public. In addition, the Committee considered the potential legal, health, social, and economic implications of the proposal, including its interaction with existing statutes and regulatory structures.

After this review, a majority of the Committee raised substantial concerns regarding the structure, scope, and anticipated impacts of the Initiative Petition. The proposal seeks to modify the 2016 ballot initiative approved by the voters of the Commonwealth that legalized, regulated, and imposed taxation on the retail sale of adult-use recreational marijuana in Massachusetts. The Committee notes that this existing framework represents a comprehensive regulatory system that has been developed over time to balance public health protections, consumer access, and a legal, taxed marketplace for cannabis products.

The Petition introduces significant changes to the Commonwealth’s established cannabis regulatory structure. However, the Committee finds that the proposal lacks sufficient detail regarding implementation and enforcement mechanisms, including how existing regulatory authority would be modified, transferred, or eliminated. This absence of clarity creates legal uncertainty with respect to the continued applicability of current statutes and regulations, as well as the roles of state agencies responsible for oversight of the cannabis industry.

The Committee is further concerned that the proposed changes would remove or substantially alter existing public health and safety safeguards. These include regulatory measures designed to limit youth access to cannabis products, reduce impaired driving risks, and ensure product testing, labeling, and potency standards. Testimony presented to the Committee highlighted concerns that weakening or eliminating these safeguards could increase public health risks and undermine efforts to promote responsible use within a legal market.

In addition, the Petition would have significant implications for licensing, taxation, and the overall structure of the regulated cannabis marketplace. The Committee heard

evidence indicating that abrupt changes to the current system could disrupt licensed businesses operating in compliance with existing law, create uncertainty in the investment environment, and affect the stability of both large and small operators in the industry. Testimony also raised concerns with the proposal regarding substantial impacts on state and local revenue streams derived from cannabis taxation and licensing fees, which currently support a range of public programs and local initiatives, as well as the regulatory structure.

Finally, the Committee notes that the transition from a regulated and taxed adult-use market to an alternative legal framework, as contemplated by the Petition, would require extensive administrative planning, regulatory restructuring, and legislative clarification to avoid disruption to enforcement and oversight functions. The majority of the Committee therefore finds that, as drafted, the proposal does not adequately address these operational, fiscal, and public safety considerations.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition’s broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-10, House 5002, *Initiative Petition for a Law Relative to Regulating Marijuana*.

Senators.	Representatives.
Cindy F. Friedman	Alice Hanlon Peisch
Brendan P. Crighton	Kate Hogan
Paul R. Feeney	Frank A. Moran
Barry R. Finegold	Michael S. Day
	David T. Vieira

Full Texts

QUESTION 1: Full Text of Proposed Law

An Act to improve access to public records.

Be it enacted by the People, and by their authority;

SECTION 1. The first paragraph of Clause Twenty-Sixth of Section 7 of Chapter 4 of the General Laws is hereby amended by inserting after the words “chapter 32” the following phrase “or by the general court, or by the office of the governor of the commonwealth.”.

SECTION 2. Said Clause Twenty-Sixth of Section 7 of Chapter 4 of the General Laws is hereby further amended by inserting the following new subparagraphs following subparagraph (v):-

(w) communications between a member of the general court, or such member’s employee, agent, or representative, and any constituent of such member; provided, however, that the communications reasonably relate to a constituent’s request for assistance in obtaining government-provided benefits or services or otherwise interacting with a state or federal agency.

(x) communications, memoranda, drafts or other documents relating to developing policy positions of members of the

general court or the governor of the commonwealth.

SECTION 3. The third sentence of the first paragraph of Section 6A of Chapter 66 of the General Laws is hereby amended by striking said third sentence and inserting in place thereof the following:-

For the purposes of this chapter the term “agency” shall mean any entity, other than a municipality, that is identified in clause twenty-sixth of section 7 of chapter 4 as possessing “public records,” as defined therein, including the general court and the office of the governor of the commonwealth.

SECTION 4. Section 18 of Chapter 66 of the General Laws is hereby amended by striking said Section 18 and inserting in place thereof the following:-

Section 18. Declarations, affidavits and other papers filed by claimants in the office of the secretary of veterans’ services or records kept by the secretary for reference by the officials of their office, shall not be considered public records for the purposes of this chapter.

SECTION 5. This act shall take effect on January 1, 2027.

QUESTION 2: Full Text of Proposed Law

An Act relative to labor relations policies for committee for public counsel services employees.

Be it enacted by the People, and by their authority;

SECTION 1: Section 1 of chapter 150E of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding to the end of the seventh paragraph, titled “Employer” or “public employer”, the following sentence: “In the case of employees of the committee for public counsel services, employer shall mean the committee for public counsel services or its designee.”

SECTION 2. Section 7 of said chapter 150E of the General

Laws, as so appearing, is hereby amended by striking the word “or” before the phrase “the state lottery commission” in line 16 and adding the following words after that phrase: “or the committee for public counsel services.”

SECTION 3. Said section 7 of said chapter 150E of the General Laws, as so appearing, is hereby amended by striking the word “and” before the words “the state lottery commission” appearing in line 34 and inserting after the word “commission” in line 35 the following words: “and committee for public counsel services.”

QUESTION 3: Full Text of Proposed Law

An Act to implement all-party state primaries.

Be it enacted by the People, and by their authority;

SECTION 1. Section 1 of Chapter 50 of the General Laws is hereby amended by amending the definition of “Political party” therein by inserting after the phrase “to a party which at” in the first sentence thereof the phrase “the latest state primary held prior to”, and by striking the second sentence thereof in its entirety.

SECTION 2. Chapter 50 of the General laws is hereby

amended by inserting after Section 2 the following Section 2A:-

Section 2A. In state primaries held in accordance with sections forty-one to fifty-three A, inclusive, of chapter fifty-three, the two persons receiving the highest number of votes for an office shall be deemed nominated for election to such office and shall be the only persons whose names shall be printed on the ballot for such office at the next proceeding state election.

QUESTION 3: Full Text of Proposed Law (continued)

SECTION 3. Section 2 of Chapter 53 of the General Laws is hereby amended by inserting the phrase “Except as provided in section two-A of chapter fifty,” at the beginning of the second sentence thereof.

SECTION 4. Section 6 of Chapter 53 of the General Laws is hereby amended by striking from said Section 6 the first two sentences of the first paragraph thereof, and the second and third paragraphs thereof in their entirety.

SECTION 5. Section 8 of Chapter 53 of the General Laws is hereby amended by striking from said Section 8 the first three sentences of the first paragraph thereof, and the first and fourth sentences of the second paragraph thereof.

SECTION 6. Section 10 of Chapter 53 of the General Laws is hereby amended by striking the first four sentences from the first paragraph of said Section 10 and inserting in place thereof the following:-

All certificates of nomination and nomination papers of candidates for offices for which state primaries are held in accordance with section forty-one, shall be filed in accordance with section forty-six.

SECTION 7. Section 14 of Chapter 53 of the General Laws is hereby amended by inserting after the word “otherwise” in the first sentence thereof the following:- shall first be filled by the candidate who received the next highest number of votes for such office in the applicable state primary, and if there is no such candidate,

SECTION 8. Section 33 of Chapter 53 of the General Laws is hereby amended by striking said Section 33 and inserting in place thereof the following:-

Section 33. At least three facsimile copies of the ballot shall be provided for each polling place as specimen ballots.

SECTION 9. Section 34 of Chapter 53 of the General Laws is hereby amended by striking from the first sentence thereof the phrase “Official ballot of the (here shall follow the party name)” and inserting in place thereof the phrase “Official primary ballot”, and by inserting following the first paragraph thereof the following:-

Against the name of each such candidate there shall be printed the political party or designation reflected on their nomination papers, as provided in section forty-five and, upon the joint request of the general or executive committee representing a political party or designation and such candidate, the words “Endorsed by the [name of political party or designation]”. In the latter case, the request must be filed with the state secretary not less than fifteen days prior to the latest date by which ballots must be printed.

SECTION 10. Section 37 of Chapter 53 of the General Laws is hereby amended by striking from the first paragraph thereof the first sentence in its entirety, the phrases “Except as provided by section thirty-seven A,” and “, and, if the party enrolment of such voter is shown on the voting list, the name of the party in which he is enrolled” from the second sentence thereof, the third sentence in its entirety, the phrase “of the political party so requested” from the fourth sentence thereof, and the fifth sentence in its entirety, and from the second paragraph thereof the second and third sentences in their entirety.

SECTION 11. Section 41 of Chapter 53 of the General Laws is hereby amended by striking the phrase “of political parties” from the first sentence thereof.

SECTION 12. Section 44 of Chapter 53 of the General Laws is hereby amended by striking the last sentence thereof and inserting in place thereof the following:-

In the case of the offices of governor and lieutenant governor, only nomination papers containing the names and addresses of candidates for both offices shall be valid.

SECTION 13. Section 45 of Chapter 53 of the General Laws is hereby amended by striking the phrase “the political party whose nomination he seeks” in the first sentence thereof, and inserting in place thereof the phrase “the political party or designation that he represents, if any, as determined by his voter registration”, and by striking the fourth paragraph thereof and inserting in place thereof the following:-

No nomination paper for use in the nomination of candidates to be voted for at state primaries shall contain the name of more than one candidate, except that nomination papers for candidates for governor and lieutenant governor shall contain the name of one candidate for each office. Such nomination papers for candidates for governor and lieutenant governor shall contain provision for the names and addresses of members of a committee of five registered voters who shall fill any vacancy caused by death, withdrawal, ineligibility or disqualification of either candidate.

SECTION 14. Section 46 of Chapter 53 of the General Laws is hereby amended by striking the phrase “and who are not enrolled in any other party than that whose nomination the candidate seeks,” from the fifth sentence thereof.

SECTION 15. Section 53 of Chapter 53 of the General Laws is hereby amended by striking said Section 53 and inserting in place thereof the following:-

Section 53. In case of a tie vote where the number of persons receiving equal votes exceeds the number of nominations available, the state secretary shall forthwith

QUESTION 3: Full Text of Proposed Law (continued)

summon the candidates who have received the tie votes to appear before them at a time and place to be designated by them. The state secretary shall at that time and place break the tie by lot.

SECTION 16. Section 33 of Chapter 54 of the General Laws is hereby amended by striking the phrase “and elections and of voting for candidates of more than one political party at a primary” from the first paragraph thereof, striking the final sentence of the second paragraph thereof, and striking the phrase “or of voting for candidates of more than one political party at a primary” from the third paragraph thereof,

SECTION 17. Section 43A of Chapter 54 of the General Laws is hereby amended by striking the phrase “at a state

election” from the first sentence thereof.

SECTION 18. This act shall take effect on January 1, 2028.

SECTION 19. The provisions of this act are severable, and if any clause, sentence, paragraph or section of this law or an application thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid and such clause, sentence, paragraph, section or application shall be reformed and construed so that it would be valid to the maximum extent permitted.

QUESTION 4: Full Text of Proposed Law

An Act relative to election day registration.

Be it enacted by the People, and by their authority;

SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A person otherwise qualified to vote for national or state officers, but who has not registered in accordance with the provisions of section 26 of this chapter shall be eligible to register under section 34A.

SECTION 2. Section 1F of chapter 51 of the General Laws is hereby repealed.

SECTION 3. Said chapter 51, as so appearing, is hereby amended, by striking out section 3, as so appearing, and inserting in place thereof the following section:

Section 3. For all elections and primaries, a person shall be registered and may vote in the voting precinct where they reside; provided, however, that any registered voter of a city or town who moves to any other precinct in said city or town or to another city or town may register to vote at their new address by making written application to the city or town clerk no later than the close of registration or in accordance with the provisions of section 34A of this chapter. A new resident of the city or town may also, upon like application, be registered at the new address by making written application to the city or town clerk no later than the close of registration or in accordance with the provisions of section 34A. The city or town clerk shall forthwith notify each voter making any such written application that the same has been received and that they may vote, subject to the provision of this section regarding

the close of registration, in the precinct into which they have moved or in accordance with provisions of section 34A.

SECTION 4. Section 26 of said chapter 51, as so appearing, is hereby amended by striking the last sentence.

SECTION 5. Said chapter 51 is hereby further amended by striking out section 34, as appearing in the 2022 Official Edition, and inserting in place thereof the following section:—

Section 34. Except as otherwise provided in section 34A, after 5:00 p.m. of a day on which registration is to cease, the registrars shall not register any person to vote in the next election, except that they shall furnish, or cause to be furnished, to each person waiting in line at the hour of 5:00 pm for the purpose of being registered, a card or slip of identification bearing such person's name and shall, before registration ceases, permit such person to register.

SECTION 6. Said chapter 51 is hereby further amended by inserting after section 34 the following section: —

Section 34A. (a) An individual who is eligible to vote may register on the day of an election by appearing in person at the appropriate polling place for the precinct in which they reside, during the hours in which polls are open for voting, by completing a registration application in a form prescribed by the state secretary, by presenting to the appropriate election official proof of residency and by making a written oath which shall be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not under guardianship that prohibits me from registering and/or voting or otherwise prohibited from

QUESTION 4: Full Text of Proposed Law (continued)

voting; am not temporarily or permanently disqualified by law because of corrupt practices in respect to elections; have not and will not vote in this election in any other location within the Commonwealth or elsewhere; have read and understand this statement. I further understand that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$10,000, or both.

(b) For purposes of this section, the term “proof of residence” shall mean one of the following, so long as it includes the name of the applicant and the address from which they are registering:

(i) a valid photo identification including, but not limited to, a Massachusetts driver’s license or other state-issued identification card; or

(ii) other documentation demonstrating the name and address where the applicant maintains residence and seeks to register including, but not limited to, a copy of a current utility bill, bank statement, government check, residential lease agreement, wireless telephone statement, paycheck, other government document or correspondence, a current student fee statement or other document from a post-secondary educational institution that verifies the student’s current address.

(c) Upon meeting the identity requirements of subsection (a), production of proof of residence, and the making of an oath sufficient to support registration, the ballot clerk or their designee shall permit the applicant to vote in that election. Any person who registers to vote on the day of an election in accordance with this section shall, absent disqualification, be registered to vote at all subsequent primaries and elections.

(d) A registrant who fails to present suitable identification shall be permitted to cast a provisional ballot pursuant to the provisions of section 76C of chapter 54, but shall be required to return before the close of polls on a municipal election, within two business days after a state primary or within six days following a state election to present sufficient identification to the local election officials in order for the local election officials to determine that the registrant is qualified to vote in such election and whether to count the provisional ballot.

(e) Not less than seven days prior to any election, the

registrars for each city or town shall publish all polling locations and the applicable dates and hours. Notice shall be conspicuously posted in the office of the local election officials or on the principal official bulletin board of each city or town, on any other public building considered necessary, on the city or town’s website, if any, and on the website of the state secretary.

(f) The state secretary shall make available to the election officers at each polling location, to the extent possible, access to the statewide list of registered voters as contained in the central registry of voters set forth in section 47C.

(g) The local election officials may correct information supplied by the registrant to the extent necessary to maintain the integrity of their records. If an affidavit is incomplete or if it appears from the facts set forth in the affidavit that the registrant is not qualified to register as a voter, the local election officials shall proceed in accordance with the provisions of section forty-seven.

(h) As soon as practicable after the election, but not more than thirty days after the election, the registrars shall add the registrant’s name, address and effective date of registration to the annual register of voters.

(i) This section shall not apply to an individual seeking to register to vote in any town for the purposes of voting at annual town meeting or special town meeting.

(j) A voter shall not change party enrollment at a primary under this section.

(k) The state secretary shall adopt regulations to implement the relevant provisions of this chapter.

(l) Upon credible information or allegation of illegal voter registration, or credible information or allegation of illegal multiple voting, there shall be an investigation upon the merits of said information or allegation by the attorney general, or by the district attorney having jurisdiction over the municipality in which the alleged illegal registration or illegal multiple voting occurred. Nothing in this subsection shall be construed as excluding enforcement of this section by any means otherwise provided by law.

(m) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter 56.

SECTION 7. This act shall take effect on January 1, 2028.

QUESTION 5: Full Text of Proposed Law

An Act relative to limiting state tax collection growth and returning surpluses to taxpayers.

Be it enacted by the People, and by their authority;

SECTION 1. Section 2 of chapter 62F of the General Laws as appearing in the 2024 Official Edition is hereby amended by replacing the definitions of “Computed Maximum State Tax Revenues” and “State Tax Revenues” with the following —

“Computed Maximum State Tax Revenues” means for any fiscal year beginning after June 30, 2027 an amount determined by multiplying the Net State Tax Revenues, as defined herein, for the immediately preceding fiscal year by the allowable state tax growth factor, as defined herein, for the then current fiscal year.

“State Tax Revenues” means the revenues of the Commonwealth from every tax, surtax, receipt, penalty and other monetary exaction, and interest in connection therewith, including but not limited to, taxes and surtaxes on personal income (including, for purposes of any calculation under this chapter beginning after June 30, 2027, income surtax revenues collected and deposited into the Education and Transportation Fund pursuant to Section 2BBBBBB of chapter 29 of the General Laws), excises and taxes on retail sales and use, meals, motor vehicle fuels,

businesses and corporations, public utilities, alcoholic beverages, tobacco, inheritances, estates, deeds, room occupancy and pari-mutuel wagering; but excluding federal reimbursements, proceeds from bond issues, earnings on investments, tuitions, fees, service charges and other departmental revenues, and revenues directly attributable to the additional taxes levied pursuant to section eighty-eight of chapter six hundred and eighty-four of the Acts of nineteen hundred and seventy-five.

SECTION 2. Effective for purposes of any calculation under chapter 62F of the General Laws as appearing in the 2024 Official Edition for any fiscal year beginning after June 30, 2027, Section 2BBBBBB of chapter 29 of the General Laws as appearing in the 2024 Official Edition is hereby amended by striking out subparagraph (d).

SECTION 3. The provisions of this law are severable, and if any clause, sentence, paragraph or section of this chapter, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, or application adjudged invalid.

QUESTION 6: Full Text of Proposed Law

An Act to protect water and nature.

Be it enacted by the People, and by their authority;

SECTION 1. Chapter 29 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following section:

Section 2EEEEEE. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the nature for all fund. There shall be credited to the fund an amount equivalent to 50% of all monies received by the commonwealth from the receipts from taxes on sales and use of sporting goods, recreational vehicles, and golf courses as classified under the 2022 revision of the North American Industry Classification Codes under chapter 64H and 64I. The amount credited to the fund under this subsection shall be net of the dedicated sales tax revenue amount transferred under sections 35T and 35BB of chapter 10. The fund may accept public and private gifts, grants and donations to further the purposes of this section, and any other monies credited to or transferred from any other source pursuant to state law. The fund shall not be subject

to section 5C of this chapter.

(b) For the purposes of this section, the phrase “natural resource conservation” shall mean: (i) the conservation or restoration of land to protect drinking water and the quality of streams, rivers, lakes and coasts; (ii) the conservation or restoration of farms, forests, and other land to advance statewide goals and plans in the areas of biodiversity, climate, natural and working lands, resiliency, and environmental justice; (iii) the creation and improvement of parks, greenspaces, trails, and outdoor recreation access, especially in neighborhoods with limited access to such resources; (iv) the conservation of land parcels to provide connectivity between open spaces; (v) the conservation and restoration of lands and natural resources of indigenous cultural significance; and (vi) the provision of ongoing stewardship, outdoor recreation access, and management of such resources.

(c) The executive office of energy and environmental affairs shall make expenditures from the nature for all fund for the purposes of natural resource conservation.

QUESTION 6: Full Text of Proposed Law (continued)

(d) There shall be a 15-member board called the nature for all board comprised of the secretary of energy and environmental affairs, commissioner of fish and game, the commissioner of conservation and recreation, the secretary of housing and livable communities, and the climate chief, and ten members of the public to be appointed by the Governor. The ten public members shall include representatives of underserved communities and indigenous peoples, and one or more persons with expertise or experience in natural resource conservation. The executive office of energy and environmental affairs may make expenditures from the fund to hire staff necessary to manage and make expenditures from the fund. The board shall promulgate regulations for expenditures from the nature for all fund by the executive office of energy and environmental affairs, including, but not limited to: (i) requirements for natural resource conservation that support and align with environmental justice principles, as defined in section 62 of chapter 30; (ii) requirements for access and restoration of lands and natural resources of indigenous cultural significance, (iii) guidelines to promote natural resource conservation in concert with affordable housing development; (iv) guidelines that prevent expenditures from supplanting or otherwise resulting in a decrease in bond cap spending on existing capital programs; and (vi) guidelines for the scope and prioritization of special obligation bonds

issued to support natural resource conservation.

(e) State agencies, municipalities or groups of municipalities, regional governments, other regional public entities including, but not limited to, regional planning agencies, economic development districts, and water districts, operating public charities with purposes involving natural resource conservation, and tribal governments shall be lawful recipients of such expenditures.

(f) The executive office of energy and environmental affairs shall submit annually to the board, the environmental justice council established in section 62L of chapter 30, the House and Senate Committees on Ways & Means, and the Joint Committee on Environment & Natural Resources a report of the proportion of funds expended from the nature for all fund that are dedicated to the acquisition or improvement of land in cities or towns containing environmental justice populations as defined in section 62 of chapter 30.

(g) All of the provisions of this section shall be subject to appropriation by the legislature.

SECTION 2. Subsection 2EEEEEE(a) of chapter 29 of the General Laws is hereby amended in the second sentence by striking out the words “50% of”.

SECTION 3. Section 1 shall take effect on July 1, 2027.

SECTION 4. Section 2 shall take effect on July 1, 2028.

QUESTION 7: Full Text of Proposed Law

An Act to allow single-family homes on small lots in areas with adequate infrastructure.

Be it enacted by the People, and by their authority;

SECTION 1. Section 3 of chapter 40A of the Massachusetts General Laws, as so appearing, is hereby amended by adding the following paragraph:

No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single-family residence in a zoning district that allows residential uses; provided, that the single-family residence is fully contained within a lot measuring equal to or greater than five thousand square feet in area and with equal to or greater than fifty feet of frontage and which has

access to public sewer service and public water service; and provided further, that the use of land or structures for such a single-family residence under this paragraph may be subject to reasonable regulations, including, but not limited to, regulations concerning dimensional setbacks and the bulk and height of structures and may be subject to restrictions and prohibitions on short-term rental. The Executive Office of Housing and Livable Communities may issue guidelines or promulgate regulations to administer this paragraph.

SECTION 2. This act shall take effect as provided in Article 48 of the Amendments to the Massachusetts Constitution, as amended.

QUESTION 8: Full Text of Proposed Law

An Act to restore a sensible marijuana policy.

Be it enacted by the People, and by their authority;

SECTION 1. The Act's purpose is to modify the criteria for the legal possession, distribution, and use of marijuana by: (a) continuing the medical use of marijuana program; (b) ensuring that the simple possession of 1 ounce or less of marijuana by those 21 and over is not punishable by civil or criminal penalties, and that possession of over 1 ounce to no more than 2 ounces of marijuana is punishable only by a civil penalty; and (c) repealing Chapters 94G and 64N of the General Laws which govern the possession, use, distribution, cultivation, and taxation of marijuana not medically prescribed. To the fullest extent possible, the Act's terms are to be interpreted in accordance with the purpose and intent set forth in this section.

SECTION 2. This act may be known as "An Act to Restore A Sensible Marijuana Policy."

SECTION 3. Chapter 64N of the General Laws is hereby repealed.

SECTION 4. Chapter 94C of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out section 32L and inserting in place thereof the following section:

Section 32L Possession of marihuana; civil penalty and forfeiture; other sanctions or disqualifications prohibited

(a) Notwithstanding any other general or special law to the contrary, except as otherwise provided in this chapter, a person 21 years of age or older shall not be arrested, prosecuted, penalized, sanctioned or disqualified under the laws of the commonwealth in any manner, or denied any right or privilege and shall not be subject to seizure or forfeiture of assets for:

(1) possessing 1 ounce or less of marihuana, except that not more than 5 grams of marihuana may be in the form of marihuana concentrate; or

(2) giving away or otherwise transferring without remuneration up to 1 ounce of marihuana, except that not more than 5 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

(b) Notwithstanding any general or special law to the contrary, possession of an amount between more than 1 ounce and 2 ounces or less of marihuana for an offender 21 years of age or older shall only be a civil offense, subjecting an offender to a civil penalty of one hundred dollars and forfeiture of the marihuana, but not to any other form of criminal or civil

punishment or disqualification.

(c) Notwithstanding any general or special law to the contrary, possession of an amount of 2 ounces or less of marihuana for an offender under the age of 21 shall be subject to the same forfeiture and civil penalty provisions as subsection (b), provided he or she completes a drug awareness program which meets the criteria set forth in Section 32M of this Chapter. The parents or legal guardian of any offender under the age of eighteen shall be notified in accordance with Section 32N of this Chapter of the offense and the availability of a drug awareness program and community service option. If an offender under the age of eighteen fails within one year of the offense to complete both a drug awareness program and the required community service, the civil penalty may be increased pursuant to Section 32N of this Chapter to one thousand dollars and the offender and his or her parents shall be jointly and severally liable to pay that amount.

(d) Except as specifically provided in this chapter, section 24I of chapter 90, and chapter 387 of the acts of 2008, neither the Commonwealth nor any of its political subdivisions or their respective agencies, authorities or instrumentalities may impose any other form of penalty, sanction or disqualification on an offender for possessing 2 ounces or less of marihuana. By way of illustration rather than limitation, possession of 2 ounces or less of marihuana shall not provide a basis to deny an offender student financial aid, public housing or any form of public financial assistance including unemployment benefits, to deny the right to operate a motor vehicle or to disqualify an offender from serving as a foster parent or adoptive parent. Information concerning the offense of possession of 2 ounces or less of marihuana shall not be deemed "criminal offender record information," "evaluative information," or "intelligence information" as those terms are defined in Section 167 of Chapter 6 of the General Laws and shall not be recorded in the Criminal Offender Record Information system.

(e) As used herein, "possession of 2 ounces or less of marihuana" includes possession of 2 ounces or less of marihuana or tetrahydrocannabinol and having cannabinoids or cannabinoid metabolites in the urine, blood, saliva, sweat, hair, fingernails, toe nails or other tissue or fluid of the human body. Nothing contained herein shall be construed to repeal or modify existing laws, ordinances or bylaws, regulations, personnel practices or policies concerning the operation of motor vehicles or other actions taken while under the influence of marihuana or tetrahydrocannabinol, laws concerning the unlawful possession of prescription forms of marihuana or tetrahydrocannabinol such as

QUESTION 8: Full Text of Proposed Law (continued)

Marinol, possession of more than 2 ounces of marihuana or tetrahydrocannabinol, or selling, manufacturing or trafficking in marihuana or tetrahydrocannabinol. Nothing contained herein shall prohibit a political subdivision of the Commonwealth from enacting ordinances or bylaws regulating or prohibiting the consumption of marihuana or tetrahydrocannabinol in public places and providing for additional penalties for the public use of marihuana or tetrahydrocannabinol.

(f) The use of marihuana shall not disqualify a person from any needed medical procedure or treatment, including organ and tissue transplants.

(g) This section shall not apply to the sale, delivery or furnishing of medical use marijuana pursuant to chapter 94I.

(h) For the purposes of this section, “marihuana concentrate” means a substance derived from marihuana that is produced by extracting or concentrating cannabinoids from the plant through the use of: (i) solvents; (ii) carbon dioxide; or (iii) heat, screens, presses, or distillation.

SECTION 5. Section 32M of said chapter 94C, as so appearing, is hereby amended by striking out both of said section’s references to the word “eighteen” and inserting in place thereof the following word:- 21

SECTION 6. Chapter 94G of the General Laws is hereby repealed.

SECTION 7. Chapter 94I of the General Laws is hereby amended by inserting after section 1 the following section:-

Section 1A. The Cannabis Control Commission.

(a) The commission shall have all the powers necessary or convenient to carry out and effectuate its purposes including, but not limited to, the power to:

- (i) appoint officers and hire employees;
- (ii) establish and amend a plan of organization that it considers expedient;
- (iii) execute all instruments necessary or convenient for accomplishing the purposes of this chapter;
- (iv) enter into agreements or other transactions with a person, including, but not limited to, a public entity or other governmental instrumentality or authority in connection with its powers and duties under this chapter;
- (v) appear on its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;
- (vi) apply for and accept subventions, grants, loans, advances

and contributions of money, property, labor or other things of value from any source, to be held, used and applied for its purposes;

(vii) provide and pay for advisory services and technical assistance as may be necessary in its judgment to carry out this chapter and fix the compensation of persons providing such services or assistance;

(viii) prepare, publish and distribute, with or without charge as the commission may determine, such studies, reports, bulletins and other materials as the commission considers appropriate;

(ix) require an applicant for licensure under this chapter to apply for such licensure and approve or disapprove any such application or other transactions, events and processes as provided in this chapter;

(x) determine which applicants shall be awarded licenses;

(xi) deny an application or limit, condition, restrict, revoke or suspend a license;

(xii) establish a registration process, based on finding of suitability or approval of licensure;

(xiii) fine a person licensed, registered, found suitable or approved for licensure, for any cause that the commission deems reasonable;

(xiv) gather facts and information applicable to the commission’s obligation to issue, suspend or revoke licenses, registrations, finding of suitability or approval of licensure for: (A) a violation of this chapter or any regulation adopted by the commission; (B) willfully violating an order of the commission directed to a licensee or a person required to be registered; (C) the conviction of a criminal offense; or (D) any other offense which would disqualify such a licensee from holding a license;

(xv) conduct investigations into the qualifications of all applicants for employment by the commission and all applicants for licensure;

(xvi) receive from the state police, the department of criminal justice information services or other criminal justice agencies including, but not limited to, the Federal Bureau of Investigation and the Internal Revenue Service, such criminal offender record information relating to criminal and background investigations as necessary for the purpose of evaluating licensees, applicants for license, and lab agents;

(xvii) be present, through its inspectors and agents, at any time, in any medical marijuana treatment center for the purposes of exercising its oversight responsibilities;

QUESTION 8: Full Text of Proposed Law (continued)

(xviii) inspect and have access to all equipment and supplies in a medical marijuana treatment center;

(xix) seize and remove from the premises of a medical marijuana treatment center and impound any marijuana, equipment, supplies, documents and records obtained or possessed in violation of this chapter for the purpose of examination and inspection;

(xx) for cause, demand access to and inspect all papers, books and records of close associates of a licensee whom the commission suspects is involved in the financing, operation or management of the licensee; provided, however, that the inspection, examination, photocopying and audit may take place on the affiliate's premises or elsewhere as practicable and in the presence of the affiliate or its agent;

(xxi) require that the books and financial or other records or statements of a licensee be kept in a manner that the commission considers proper;

(xxii) impose fees and fines, as authorized by this chapter and penalties and sanctions for a violation of this chapter or any regulations promulgated by the commission;

(xxiii) collect fees under this chapter;

(xxiv) conduct adjudicatory proceedings and promulgate regulations in accordance with chapter 30A;

(xxv) refer cases for criminal prosecution to the appropriate federal, state or local authorities;

(xxvi) maintain an official internet website for the commission;

(xxvii) monitor any federal activity regarding marijuana; and

(xxviii) adopt, amend or repeal regulations for the implementation, administration and enforcement of this chapter.

(b) The commission shall, in accordance with chapter 30A, adopt regulations consistent with this chapter for the administration, clarification and enforcement of laws regulating and licensing the medical use marijuana program. The regulations shall include: (i) licensure and oversight of independent testing laboratories, and establish testing protocols for the sampling, testing and analysis of marijuana, finished marijuana and medical use marijuana products in consultation with the department of public health and the department of agricultural resources.

(c) The commission shall administer the laws and regulations relating to licensing in this chapter.

(d) Each fiscal year the commission shall submit an annual finance plan to the secretary of administration and finance, and updates to such plan, in accordance with instructions

issued by said secretary.

(e) The commission shall hold a public hearing before the adoption, amendment or repeal of any regulation. Adjudicatory proceedings shall be conducted pursuant to chapter 30A of the General Laws and to standard rules of adjudicatory procedure established pursuant to section 9 of chapter 30A of the General Laws.

(f) The commission shall annually submit a complete and detailed report of the commission's activities, including a review of the implementation and enforcement of this chapter and the governance structure established in this chapter, not more than 90 days after the end of the fiscal year to the governor, the attorney general, the treasurer and receiver-general, the clerks of the house of representatives and the senate, the chairs of the joint committee on cannabis policy and the chairs of the house and senate committees on ways and means.

(g) The commission and the department of public health shall work collaboratively to ensure that the production and distribution of medical use marijuana is effectively regulated in the commonwealth in furtherance of the intent of this act.

(h) The commission shall promulgate advisory guidelines and best practices on the cultivating of marijuana within a person's primary residence pursuant to section 2 of this chapter.

SECTION 8. Notwithstanding any general or special law to the contrary, the Cannabis Control Commission shall act to expedite and streamline the process for licensees under Chapter 94G, including marijuana establishments, to apply for and obtain licenses to participate in the medical use marijuana program administered pursuant to Chapter 94I and for licensees under Chapter 94G to sell existing marijuana supplies to medical marijuana treatment centers licensed pursuant to Chapter 94I.

SECTION 9. Severability

The provisions of this law are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

SECTION 10. Effective Date

This law shall take effect January 1, 2028.

QUESTION 9: Full Text of Existing Law

AN ACT MODERNIZING FIREARM LAWS

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

SECTION 1. Section 172M of chapter 6 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words:- “and unmonitored contact with firearms, shotguns or rifles” and inserting in place thereof the following words:- contact with firearms, as defined in section 121 of said chapter 140.

SECTION 2. Section 18¾ of chapter 6A of the General Laws, as so appearing, is hereby amended by striking out, in lines 88 and 89, the words “and (v) the effectiveness of section 128B of chapter 140” and inserting in place thereof the following words:- (v) the effectiveness of section 128B of chapter 140; and (vi) an analysis of whether the license number used for the purchase or transfer of a firearm used in a crime or attempted or completed suicide was associated with the purchase or transfer of any other firearm, in the commonwealth or any other jurisdiction, within a 12-month period prior to or subsequent to the sale of the recovered firearm and the total number of such firearms purchased and transferred by that license holder and whether any of such firearms were also used in the commission of a crime.

SECTION 3. Section 5J of chapter 18 of the General Laws, as so appearing, is hereby amended by striking out, in lines 10 and 11, inclusive, the words “and ammunitions dealers licensed pursuant to section 122B of said chapter 140”.

SECTION 4. Section 2LLL of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “fee assessed under sections 122, 122B, 129B, 131, 131A, 131F, and 131H” and inserting in place thereof the following words:- fees assessed under section 121F, 131A and 131F.

SECTION 5. Said chapter 29 is hereby further amended by inserting after section 2DDDDDD the following section:-

Section 2EEEEEE. To enhance violence prevention and intervention services, there shall be established and set up on the books of the commonwealth a separate fund to be known as the Violence Prevention Federal Reinvestment Trust Fund. There shall be credited to the fund revenues equal to the amount of federal financial participation received by the General Fund for expenditures for violence prevention and intervention services and any other reimbursements, grants, premiums, gifts, interest or other

contributions from any source received that are specifically designated to be credited to the fund. The secretary of health and human services shall be the trustee of the fund.

To accommodate timing discrepancies between the receipt of revenues and related expenditures, the fund may incur expenses, and the comptroller shall certify for payment amounts not to exceed the most recent revenue estimate certified by the MassHealth director and reported in the state accounting system. Amounts credited to the fund shall be subject to further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

The secretary shall report annually on or before August 1 to the chairs of the house and senate committees on ways and means and the house and senate chairs of the joint committee on the judiciary, the joint committee on public safety and homeland security and the joint committee on public health on the revenue and expenditure activity within the trust fund.

SECTION 6. Section 10B of chapter 66 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 7 and 8, the following words:- , rifles, shotguns, machine guns.

SECTION 7. Said section 10B of said chapter 66, as so appearing, is hereby further amended, in line 14, by inserting after the word “request” the following words:- provided, however, that nothing in this section shall prohibit the transmission of data and other information to the department of criminal justice information services and its use pursuant to section 121E of chapter 140.

SECTION 8. Section 26 of chapter 90B of the General Laws, as so appearing, is hereby amended by striking out, in line 66, the words “rifle or shotgun” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 9. Said section 26 of said chapter 90B, as so appearing, is hereby further amended by striking out, in lines 68 and 69, the words “such firearm, rifle or shotgun is unloaded and in an enclosed case” and inserting in place thereof the following words:- such person possesses the required license to carry or firearm identification card issued under sections 129B or 131, of chapter 140 and carries such firearm in compliance with section 131C of chapter 140. Any violation of this subsection shall be penalized in accordance with section 131C of chapter 140.

SECTION 10. Section 35 of chapter 123 of the General

QUESTION 9: Full Text of Existing Law (continued)

Laws, as so appearing, is hereby amended by striking out, in line 122, the words “rifle or shotgun” and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 11. Section 36A of said chapter 123, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Notwithstanding this section, a court shall, pursuant to section 35 and section 36C, transmit information contained in court records to the department of criminal justice information services, which shall provide the information to: (i) licensing authorities as defined under section 121 of chapter 140; provided, however, that information shared under this clause shall be information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing; and (ii) the Federal Bureau of Investigation; provided, however, that the information shared under this clause shall be information required or permitted under federal law to be included in the National Instant Criminal Background Check System maintained to conduct background checks for firearms sales or licensing; provided further, that the court shall not transmit information solely because a person seeks voluntary treatment or is involuntarily hospitalized for assessment or evaluation. Information transmitted to the department of criminal justice information services pursuant to this section and said sections 35 and 36C shall not be considered public records pursuant to section 10 of chapter 66 and clause Twenty-sixth of section 7 of chapter 4. If the information required to be transmitted under clause (i) of this paragraph relates to a person who currently holds a license, card or permit issued under sections 122, 122B, 129B, 131 or 131F of chapter 140, such information shall be disseminated automatically to the relevant licensing authority through the Criminal Justice Information System for each commitment that is ordered as soon as the information is available.

SECTION 12. Section 36C of said chapter 123, as so appearing, is hereby amended by adding the following subsection:-

(e) A law enforcement agency that applies for or is involved in the restraint and application for hospitalization of a person pursuant to subsection (a) or (b) of section 12 shall transmit the incident log or report number and the person's name and identifying information, including the person's social security number and date of birth, to the

department of criminal justice information services to provide licensing authorities as defined in section 121 of chapter 140 with information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing. Documents provided to the department of criminal justice information services pursuant to this subsection shall not include any information about or descriptions of the person's medical or psychiatric diagnosis, treatment plans, mental health medications, mental health care providers or other information of a clinical nature. No person shall be considered prohibited from being issued a license, card or permit under sections 122, 122B, 129B, 131 or 131F of said chapter 140 due solely to the person's restraint and application for hospitalization pursuant to said subsection (a) or (b) of said section 12 unless the licensing authority determines the person is disqualified for said license, card or permit or unsuitable for the same under section 121F of said chapter 140; provided, however, that when determining the person's suitability for a firearm license, card or permit, a licensing authority shall make inquiries to the law enforcement agency that submitted the record of the restraint and application for hospitalization and to the court that ordered or denied the commitment regarding the circumstances of such restraint and application for hospitalization and reasons for the order or denial. Any person denied a license, card or permit under this subsection without an order of commitment from a court under subsection (e) of section 12 may, after 5 years from the date of denial, file a petition for relief under subsection (b) with the court that denied the commitment requesting the court restore the person's ability to possess a firearm. The department of criminal justice information services shall not disclose any record or information received under this subsection for any reason other than to provide licensing authorities with information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing. A licensing authority shall not disclose any record or information received under this subsection for any reason or purpose other than that which is necessary to carry out the licensing authority's responsibilities to issue or revoke a license, card or permit under chapter 140. Nothing in this subsection shall prevent an applicant or permit, card or license holder from appealing a denial, revocation or suspension of a permit, card or license pursuant to section 121F of said chapter 140.

SECTION 13. Chapter 131 of the General Laws is hereby amended by striking out section 62, as so appearing, and inserting in place thereof the following section:-

QUESTION 9: Full Text of Existing Law (continued)

Section 62. A person, with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or while under the influence of intoxicating liquor, or of marihuana, narcotic drugs, depressant or stimulant substances, all as defined in section 1 of chapter 94C, or who intentionally smells or inhales the fumes of any substance having the property of releasing toxic vapors in violation of section 18 of chapter 270, shall not hunt or carry a firearm, bow and arrow or other firearm while engaged in hunting or target shooting. A violation of this section shall be punished by a fine of not more than \$5,000 or by imprisonment in the house of correction for not more than 2 ½ years, or by both such fine and imprisonment.

SECTION 14. Section 90 of said chapter 131, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 7, the figure “, 62”.

SECTION 15. Section 121 of chapter 140, as so appearing, is hereby amended by inserting after the definition of “Ammunition” the following definition:-

“Antique firearm”, any firearm or replica thereof manufactured in or prior to the year 1899 if such firearm: (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; provided, that “antique firearm” shall include any muzzle loading rifle, shotgun or pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition, unless the firearm: (a) incorporates a firearm frame or receiver; (b) is converted into a muzzle loading firearm; or (c) is a muzzle loading firearm that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

SECTION 16. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “Assault weapon” and inserting in place thereof the following 5 definitions:-

“Assault-style firearm”, any firearm which is:

(a) a semiautomatic, centerfire rifle with the capacity to accept a detachable feeding device and includes at least 2 of the following features: (i) a folding or telescopic stock; (ii) a thumbhole stock or pistol grip; (iii) a forward grip or second handgrip or protruding grip that can be held by the non-trigger hand; (iv) a threaded barrel designed to accommodate a flash suppressor or muzzle break or

similar feature; or (v) a 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.

(b) a semiautomatic pistol with the capacity to accept a detachable feeding device and includes at least 2 of the following features: (i) the capacity to accept a feeding device that attaches to the pistol outside of the pistol grip; (ii) a second handgrip or a protruding grip that can be held by the non-trigger hand; (iii) a threaded barrel capable of accepting a flash suppressor, forward handgrip or silencer; or (iv) a 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.

(c) a semiautomatic shotgun that includes at least 2 of the following features: (i) a folding or telescopic stock; (ii) a thumbhole stock or pistol grip; (iii) a protruding grip for the non-trigger hand; or (iv) the capacity to accept a detachable feeding device.

(d) Any firearm listed on the assault-style firearm roster pursuant to section 128A.

(e) Any of the following firearms, or copies or duplicates of these firearms, of any caliber, identified as: (i) Avtomat Kalashnikov, or AK, all models; (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta AR70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR and FNC; (vi) SWD M-10, M-11, M-11/9 and M-12; (vii) Steyr AUG; (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and (ix) revolving cylinder shotguns including, but not limited to, the Street Sweeper and Striker 12;

(f) a copy or duplicate of any firearm meeting the standards of or enumerated in clauses (d) and (e); provided, that for the purposes of this subsection, “copy or duplicate” shall mean a firearm: (A) that was manufactured or subsequently configured with an ability to accept a detachable magazine; and (B)(i) that has internal functional components that are substantially similar in construction and configuration to those of an enumerated firearm in clauses (d) and (e); or (ii) that has a receiver that is the same as or interchangeable with the receiver of an enumerated firearm in said clauses (d) and (e); provided further, that the firearm shall not be considered a copy or duplicate of a firearm identified in clauses (d) and (e) if sold, owned and registered prior to July 20, 2016

(g) “Assault-style firearm” shall not include any: (i) firearm that is operated by manual bolt, pump, lever or slide action; (ii) firearm that has been rendered permanently inoperable or otherwise rendered permanently unable to be

QUESTION 9: Full Text of Existing Law (continued)

designated as a semiautomatic assault-style firearm; (iii) firearm that is an antique or relic, theatrical prop or other firearm that is not capable of firing a projectile and which is not intended for use as a functional firearm and cannot be readily modified through a combination of available parts into an assault-style firearm; (iv) any of the firearms, or replicas or duplicates of such firearms, specified in appendix A to 18 U.S.C. section 922 as appearing in such appendix on September 13, 1994, as such firearms were manufactured on October 1, 1993; or (v) semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable feeding device.

“Assemble”, to fit together a firearm’s component parts; provided, however, that “assemble” shall not include firearm reassembly, repair or the fitting of special barrels, stocks or trigger mechanisms to firearms.

“Automatic conversion”, any modification made to a firearm, including through the use of an automatic part, that allows for the automatic discharge of more than 1 shot with 1 continuous activation of the trigger or that alters or increases the rate of fire to mimic automatic fire.

“Automatic part”, any device, part or combination of parts capable of being attached to a firearm that allows for the automatic discharge of more than 1 shot with 1 continuous activation of the trigger or that increases the rate of fire of a firearm to mimic automatic fire.

“Bona fide collector of firearms”, a licensed collector pursuant to 18 U.S.C. section 923(b).

SECTION 17. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting after the definition of “Court” the following 2 definitions:-

“Covert firearm”, a firearm placed in a camouflaging firearm container, or a firearm that is not a stun gun, that is capable of discharging a bullet or shot and is constructed in a shape that does not resemble a firearm or is not immediately recognizable as a firearm, including, but not limited to, zip guns, concealed bolt guns, folding guns and any other firearm that resemble key-chains, pens, canes, wallets, flashlights, cigarette-lighters or cigarette-packages, flare guns, pellet guns and bb gun conversion kits.

“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 firearms.

SECTION 18. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the

definition of “Deceptive weapon device” and inserting in place thereof the following definition:-

“Deceptive firearm device”, any device that is intended to convey the presence of a firearm that is used in the commission of a violent crime and that presents an objective threat of immediate death or serious bodily harm to a person of reasonable and average sensibility.

SECTION 19. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “Extreme risk protection order” and inserting in place thereof the following definition:-

“Extreme risk protection order”, an order by the court that orders: (i) the immediate suspension and surrender of any license to carry firearms or firearm identification card that the respondent may hold; (ii) the respondent to surrender all firearms or ammunition that the respondent then controls, owns or possesses; and (iii) that the respondent shall be ineligible for any new license to carry or firearm identification card for the duration of the order; provided, however, that an extreme risk protection order shall be in effect for up to 1 year from the date of issuance and may be renewed upon petition.

SECTION 20. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definitions of “Firearm”, “Gunsmith” and “Imitation firearm” and inserting in place thereof the following 5 definitions:-

“Feeding device”, any magazine, belt, strip, drum or similar device that holds ammunition for a firearm, whether fixed or detachable from a firearm.

“Firearm”, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm or the unfinished frame or receiver of any such firearm; provided, however, that “firearm” shall not include any antique firearm or permanently inoperable firearm.

“Frame”, the part of a pistol or revolver that provides housing or a structure for the component designed to hold back the hammer, striker, bolt or similar primary energized component prior to initiation of the firing sequence, even if pins or other attachments are required to connect such component to the housing or structure. Any such part that is identified with an importer or manufacturer serial number shall be presumed, absent an official determination by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice or other reliable

QUESTION 9: Full Text of Existing Law (continued)

evidence to the contrary, to be the frame of the firearm.

“Gunsmith”, any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm.

“Imitation firearm”, any firearm which is designed, manufactured or altered in such a way as to render it incapable of discharging a shot or bullet.

SECTION 21. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “Large capacity feeding device” and inserting in place thereof the following definition:-

“Large capacity feeding device”, (i) a fixed or detachable magazine, belt, drum, feed strip or similar device that has a capacity of, or that can be readily converted to accept, more than 10 rounds of ammunition or more than 5 shotgun shells; or (ii) 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; provided, however, that “large capacity feeding device” shall not include: (a) any device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition or more than 5 shotgun shells; (b) an attached tubular device designed to accept and capable of operating only with .22 caliber rimfire ammunition; or (c) a tubular magazine that is contained in a lever-action firearm or on a pump shotgun.

SECTION 22. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “Large capacity weapon” and inserting in place thereof the following definition:-

“Large capacity firearm”, any firearm that: (i) is semiautomatic with a fixed large capacity feeding device; (ii) is semiautomatic and capable of accepting, or readily modifiable to accept, any detachable large capacity feeding device when both are in the same person’s possession or under their control in a vehicle; (iii) employs a rotating cylinder capable of accepting more than 10 rounds of ammunition or more than 5 shotgun shells; or (iv) is an assault-style firearm; provided, however, that “large capacity firearm” shall be a secondary designation and shall apply to a firearm in addition to its primary designation as a firearm, and shall not include, any firearm that: (a) operates by manual bolt, pump, lever or slide action; (b) is a single-shot firearm; (c) has been modified so as to render it permanently inoperable or otherwise rendered permanently unable to be designated a large capacity firearm; or (d) is an antique or relic, theatrical prop or other firearm that is not capable of firing a projectile

and which is not intended for use as a functional firearm and cannot be readily modified through a combination of available parts into an operable large capacity firearm.

SECTION 23. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting, in line 119, after the word “them” the following words:- ; provided, however, that should no such chief or officer exist the colonel of the state police or their designee shall act as the licensing authority.

SECTION 24. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “Machine gun” and inserting in place thereof the following 4 definitions:-

“Machine gun”, a firearm, loaded or unloaded, which may automatically discharge more than 1 shot by a continuous activation of the trigger, whether originally manufactured as such or modified by automatic conversion, including through the use of an automatic part or any firearm, loaded or unloaded, which has been modified by automatic conversion to alter or increase its rate of fire to mimic automatic fire; provided, however, that “machine gun” shall include a submachine gun.

“Manufacture”, to fabricate, make, form, produce or construct, by manual labor or by machinery, a firearm; provided, however, that “manufacture” shall not include firearm reassembly, firearm repair or the making or fitting of special barrels, stocks or trigger mechanisms to firearms.

“Nonresident”, a person who is temporarily in the commonwealth but legally resides in another state or territory of the United States.

“Permanently embedded”, applied in such a way that cannot be easily or readily removed without destroying the part to which it is applied.

SECTION 25. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definitions of “Petition” and “Petitioner” and inserting in place thereof the following 3 definitions:-

“Petition”, as used in sections 131R to 131Y, inclusive, a request filed with the court by a petitioner for the issuance or renewal of an extreme risk protection order.

“Petitioner”, as used in sections 131R to 131Y, inclusive, the individual that is filing the petition and is: (i) a family or household member of the respondent; (ii) the licensing authority of the municipality wherein the respondent resides; (iii) a law enforcement agency or officer, as defined in section 1 of chapter 6E that has interacted with

QUESTION 9: Full Text of Existing Law (continued)

the respondent in an official capacity within the preceding 30 days; (iv) a health care provider that provided health care services to the respondent within the preceding 6 months; provided, that for the purposes of this clause “health care provider” shall include a: licensed physician, licensed physician assistant, registered nurse, licensed practical nurse, certified nurse practitioner, certified clinical nurse specialist, certified psychiatric clinical nurse specialist, licensed psychiatrist, licensed psychologist, licensed mental health counselor, licensed marriage and family therapist, licensed alcohol and drug counselor, licensed independent clinical social worker or licensed certified social worker; or (v) a principal or assistant principal of an elementary school or secondary school, or an administrator of a college or university where the respondent is enrolled.

“Privately made firearm”, a firearm manufactured or assembled by an individual who is not a licensed manufacturer; provided, however, that “privately made firearm” shall not include firearms manufactured or assembled by persons licensed under section 122 in the course of their business activities.

SECTION 26. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “Respondent” and inserting in place thereof the following 3 definitions:-

“Rapid-fire trigger activator”, any: (i) manual, power-driven or electronic device that is designed to increase the rate of fire of a semiautomatic firearm when attached; or (ii) other device, part or combination of parts that are designed to substantially increase the rate of fire of a semiautomatic firearm above its standard rate of fire when not equipped with such device, part or combination of parts; provided, however, that this shall not include adjusting or using a device to adjust the trigger pull weight of a firearm or adjusting or replacing a magazine spring in a firearm.

“Receiver”, 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. Any such part that is identified with an importer or manufacturer serial number shall be presumed, absent an official determination by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice or other reliable evidence to the contrary, to be the receiver of the firearm.

“Respondent”, as used in sections 131R to 131Y, inclusive,

the person identified as the respondent in a petition against whom an extreme risk protection order is sought.

SECTION 27. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 136, 139, 140 and 147, the word “weapon”, each time it appears, and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 28. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting after the definition of “Sawed-off shotgun” the following 2 definitions:-

“Secured in a locked container”, secured in a container that is 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 and for purposes of a common carrier in the course of the regular and ordinary transport of firearms, locked access to any area containing firearms.

“Self-defense spray”, chemical mace, pepper spray or any device or instrument which contains, propels or emits a liquid, gas, powder or other substance designed to incapacitate.

SECTION 29. Said section 121 of said chapter 140, as so appearing, is hereby further amended by inserting after the definition of “Semiautomatic” the following definition:-

“Serialization”, the process of conspicuously engraving, casting or otherwise permanently embedding a unique serial number on a firearm frame or receiver; provided, that the serial number shall be placed in a manner not susceptible to being readily obliterated, altered or removed and shall be engraved, cast or otherwise permanently embedded to a depth of not less than .003 inches and in a print size not less than 1/16 inch; and provided further, that serialization of firearms, frames and receivers made from non-metallic materials shall be accomplished by using a metal plate permanently embedded in the material of the frame or receiver.

SECTION 30. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out the definition of “Trigger crank” and inserting in place thereof the following 5 definitions:

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

“Undetectable firearm”, (i) a firearm that after the removal of grips, stocks and magazines, is not detectable by

QUESTION 9: Full Text of Existing Law (continued)

walk-through metal detectors calibrated and operated to detect the security exemplar as defined in 18 U.S.C. Section 922(p)(2)(C); or (ii) a major component of a firearm as defined in 18 U.S.C. Section 922(p)(2)(B) that, when inspected by detection devices commonly used at secure public buildings and transit stations, does not generate an image that accurately depicts the shape of the component.

“Unfinished frame or receiver”, a forging, casting, printing, extrusion, machined body or similar item that: (i) has reached a stage in manufacture when it may readily be completed or assembled to function as a frame or receiver; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed or assembled; provided, however, that “unfinished frame or receiver” shall not include a component designed and intended for use in an antique firearm.

“Untraceable firearm”, a firearm that has not been serialized or a firearm whose serial or other identification number has been removed, defaced, altered, obliterated or mutilated in any manner.

“Valid serial number”, an identifying number that has been: (i) placed on a firearm by a federally licensee authorized to serialize firearms or pursuant to the laws of any state or 26 U.S.C. 5842 and the regulations promulgated thereunder; or (ii) 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.

SECTION 31. Said section 121 of said chapter 140, as so appearing, is hereby further amended by striking out lines 175 to 192, inclusive.

SECTION 32. Said chapter 140 is hereby further amended by inserting after section 121A the following 5 sections:

Section 121B. (a)(1) The department of criminal justice information services shall develop and maintain a real time electronic firearms registration system. All firearms possessed, manufactured or assembled in the commonwealth shall be registered in accordance with this section. Firearm registration shall be completed via the real time electronic firearms registration system developed and maintained by the department of criminal justice information services and shall include, but not be limited to, the following information: (i) the registrant's name, address and contact information; (ii) the registrant's license, card or permit type, license, card or permit number and expiration date or documentation of exemption pursuant to section 129C; (iii) the type of firearm; (iv) the date the firearm was

acquired; (v) the name and address of the source from which the firearm was obtained, including the name and address of the prior registrant if applicable; (vi) whether the firearm is a privately made firearm; and (vii) a statement signed by the registrant under the pains and penalties of perjury that they are properly licensed, permitted or exempted under the laws of the commonwealth and are not otherwise prohibited from owning or possessing a firearm.

(2) Firearm registration shall be completed at the time of firearm import, purchase, acquisition, manufacture or assembly; provided, however, that a firearm may be: (i) registered within 60 days if imported by a new resident of the commonwealth; (ii) registered within 7 days if imported by a licensed dealer, gunsmith, distributor or manufacturer; (iii) registered within 60 days if acquired by an heir or devisee through distribution of an estate; or (iv) registered within 7 days if manufactured or assembled as a privately-made firearm

(b) All firearm transactions within the commonwealth, including, but not limited to, all purchases, sales, rentals, leases, loans or other transfers shall be reported to the electronic firearms registration system. All firearm transactions shall be reported by all parties to the transaction via the electronic firearms registration system within 7 days of the sale, rental, lease, loan or other transfer; provided, however, that no report shall be required for a loan of a firearm to a duly licensed or exempted person for a period of less than 7 days.

(c) Any loss or theft of a firearm shall be reported by the owner thereof via the electronic firearms registration system within 7 days to the licensing authority or the department of state police where it is registered and the department of criminal justice information services. Such report shall include, but shall not be limited to, a complete description of the firearm, including the make, model, serial number and caliber and whether it is a large capacity firearm. The electronic firearms registration system shall provide automatic and immediate notification to the licensing authority in the town or city where the owner resides and where the license, card or permit was issued.

(d) This section shall not apply to firearms: (i) being delivered to law enforcement for the sole purpose of their destruction; (ii) possessed by common carriers and their duly authorized employees and agents while performing the regular and ordinary transport of firearms as merchandise for customers licensed to permit such transport; (iii) possessed by individuals lawfully traveling

QUESTION 9: Full Text of Existing Law (continued)

through the commonwealth in the care and custody of a nonresident owner; provided, however, that the firearms are stored in accordance with sections 131C and 131L; (iv) that are the property of the government of the United States; or (v) produced by federally licensed manufacturers not for sale in the commonwealth.

(e) Whoever fails to register a firearm in violation of subsection (a), or fails to report a transaction, loss or theft in violation of subsections (b) or (c) shall be punished as follows: (i) by a fine of not more than \$1,000 for a first offense; (ii) by a fine of not more than \$7,500 or imprisonment up to 6 months, or by both such fine and imprisonment, for a second offense; or (iii) by a fine of not more than \$10,000 or imprisonment for not less than 1 year nor more than 5 years, or by both such fine and imprisonment, for a third or subsequent offense. Failure to report shall also be a cause for suspension or permanent revocation of a person's license, card or permit.

(f) The executive office of public safety and security shall promulgate regulations for the implementation of this section, which shall include information required for the registration and reporting of firearms, public notice and an outreach campaign to promote awareness of this section.

Section 121C. (a) All firearms shall have a serial number in accordance with the requirements of this section. To meet serialization requirements all firearms shall be conspicuously engraved, cast or otherwise permanently embedded with a unique serial number on the frame or receiver; provided, that the serial number shall be placed in a manner not susceptible of being readily obliterated, altered or removed and shall be engraved, cast or otherwise permanently embedded to a depth of not less than .003 inches and in a print size not less than 1/16 inch; provided further, that the serialization of firearms, frames and receivers made from non-metallic materials shall be accomplished by using a metal plate permanently embedded in the material of the frame or receiver.

(b) No person shall knowingly possess, manufacture or assemble, cause to be manufactured or assembled, purchase, offer for sale, sell or otherwise transfer or import an untraceable firearm in the commonwealth; provided, however, that lawfully owned firearms imported or acquired by: (i) new residents moving into the commonwealth or acquired by heirs or devisees through distribution of an estate shall be serialized within 60 days of import or acquisition; and (ii) licensed firearms dealers, gunsmiths, distributors or manufacturers shall be serialized within 7 days of import or acquisition.

(c) No person shall manufacture or assemble a privately made firearm without: (i) obtaining a unique serial number from the department of criminal justice information services prior to manufacture or assembly; (ii) serializing the firearm with the obtained serial number during manufacture or assembly; and (iii) registering the firearm with the department of criminal justice information services in accordance with section 121B within 7 days of the firearm's manufacture or assembly.

(d) No person shall manufacture or assemble a privately made firearm that does not comply with all relevant state and federal safety regulations.

(e) The department of criminal justice information services shall develop and maintain a serial number request system to electronically receive, record and process requests for a unique serial number in accordance with this section. The serial number request system shall be integrated with the electronic firearms registration system maintained by the department of criminal justice information services pursuant to section 121B and shall be able to register all firearms and report firearm transactions pursuant to said section 121B and ensure that all data on privately made firearms is available for data collection pursuant to section 121E and tracing purposes pursuant to 131Q.

(f) Requests for a unique serial number through the serial number request system shall include information on the person requesting a unique serial number, whether the request is for a privately made firearm, the type of firearm to be serialized and, if privately made, the means and manner of its production.

(g) The requirements of this section shall not apply to firearms: (i) being delivered to law enforcement for the sole purpose of their destruction; (ii) possessed by common carriers and their duly authorized employees and agents while performing the regular and ordinary transport of firearms as merchandise for customers licensed to permit such transport; (iii) possessed by individuals lawfully traveling through the commonwealth in the care and custody of a nonresident owner provided that the firearms are stored in accordance with sections 131C and 131L; (iv) that are the property of the government of the United States; (v) produced by federally licensed manufacturers not for sale in the commonwealth; or (vi) manufactured prior to October 22, 1968.

(h) The executive office of public safety and security, in consultation with the department of criminal justice information services, shall promulgate rules and regulations for the implementation of this section, including

QUESTION 9: Full Text of Existing Law (continued)

technical requirements for the serialization of firearms, procedures for requesting serial numbers and procedures for public notice and an outreach campaign to promote awareness of this section.

Section 121D. (a) No person shall use a 3-dimensional printer or computer numerical control milling machine to manufacture or assemble any firearm within the commonwealth without a valid license to carry firearms under section 131.

(b) No person shall sell, offer to sell or transfer a 3-dimensional printer or computer numerical control milling machine that has the primary or intended function of manufacturing or assembling firearms to any person in the commonwealth. A 3-dimensional printer or computer numerical milling machine has the primary or intended function of manufacturing or assembling firearms if the printer or machine is advertised, marketed or promoted to manufacture or assemble firearms, regardless of whether the printer or machine is otherwise described or classified as having other functions or as a general-purpose printer or machine.

(c) This section shall not apply to 3-dimensional printers or computer numerical control milling machines that are: (i) possessed by a forensic laboratory; (ii) being delivered to law enforcement for the sole purpose of their destruction; (iii) possessed by common carriers and their duly authorized employees and agents while performing the regular and ordinary transport of firearms as merchandise for customers licensed to permit such transport; (iv) possessed by or sold to a federally licensed manufacturer of firearms; or (v) the property of the government of the United States.

(d) A violation of this section shall be punishable by imprisonment for not more than 1 year or by a fine of not more than \$5,000 per firearm per violation or both such fine and imprisonment.

Section 121E. (a) The department of criminal justice information services, in collaboration with the executive office of public safety and security and the executive office of technology services and security, shall collect, assemble and publish data and other information relating to the use of firearms in the commonwealth.

(b) State and local agencies, including, but not limited to, the department of the state police, licensing authorities and other criminal justice agencies, as defined in section 167 of chapter 6, shall provide timely access to information requested by the department of criminal justice information services pursuant to this section.

(c) The department of criminal justice information services shall make non-personally identifying data accessible to the general public through the publication of an online dashboard updated at least quarterly. This dashboard shall include, but shall not be limited to:

(1) The following aggregate data on the issuance of firearm licenses and cards pursuant to sections 129B, 131 and 131F:

(i) the age, gender, race, ethnicity and municipality of applicants for a license to carry;

(ii) the age, gender, race, ethnicity and municipality of individuals whose applications for a license to carry were denied;

(iii) the age, gender, race, ethnicity and municipality of applicants for a firearm identification card; and

(iv) the age, gender, race, ethnicity and municipality of individuals whose applications for a firearm identification card were denied.

(2) The following aggregate data on firearm-involved violence, including, but not limited to, firearm-involved crimes and attempted or completed suicides using firearms:

(i) the type of firearm-involved violence, for example, attempted or completed suicide, homicide, accidental shooting, or other firearm-involved crime;

(ii) the age, gender, race and ethnicity of the firearm user;

(iii) the age, gender, race and ethnicity of any victims of firearm-involved violence;

(iv) the geographic location of the firearm-involved violence;

(v) the status of the license of the firearm user;

(vi) whether the firearm user, at the time of the incident, would be considered a prohibited person as described in section 121F;

(vii) whether the firearm user was arrested as a result of the incident;

(viii) the disposition of any prosecution;

(ix) whether the firearm was used in connection with known gang activity, domestic dispute or police interaction;

(x) the make, model, manufacturer and state or country of origin of the involved firearm;

(xi) the origin, source and secondary market of the involved firearm, including whether it was purchased from a licensed dealer or private seller;

QUESTION 9: Full Text of Existing Law (continued)

(xii) whether the involved firearm was lost, stolen or otherwise illegally obtained; and

(xiii) whether the involved firearm was untraceable or a privately made firearm, including the manner in which it was produced.

(d) The department of criminal justice information services, in coordination with the executive office of public safety and security and the executive office of technology services and security, shall promulgate rules and regulations to ensure prompt collection, exchange, and publication of the firearm licensing information under this section.

Section 121F. (a) A licensing authority shall, within 40 days from the date of receipt of a completed application for any firearm license, card or permit issued under sections 122, 122B, 122D, 129B, 131 or 131F, or renewal of the same, either approve the application and issue the permit, card or license or deny the application and notify the applicant of the reason for such denial in writing; provided, however, that no permit, card or license shall be issued unless the colonel of the state police has certified that the information available indicates that issuing the permit, card or license is not in violation of state or federal law.

(b) Upon receiving the application, the licensing authority shall provide the applicant with a receipt that includes: (i) the applicant's name and address, current permit, card or license number and expiration date, if any; (ii) the date the licensing authority received the application; (iii) the name, address and telephone number of the licensing authority or its agent that received the application; (iv) the type of application; and (v) whether the application is for a new permit, card or license or renewal of the same.

(c) Within 7 days of receipt of the completed application the licensing authority shall forward 1 copy of the application and 1 copy of the applicant's fingerprints to the colonel of the state police; provided, however, that the taking of fingerprints shall not be required in issuing a renewal if the applicant's fingerprints are on file with the department of the state police.

(d) The colonel of the state police shall, within 30 days of receipt of the application and fingerprints, advise the licensing authority, in writing, of any disqualifying criminal record of the applicant arising from within or without the commonwealth and whether there is reason to believe that the applicant is disqualified from possessing the permit, card or license requested. If the information available to the colonel does not indicate that issuing the permit, card or license would be in violation of state or federal

law, the colonel shall certify such fact to the licensing authority within said 30-day period. In searching for any disqualifying history of the applicant, the colonel shall: (i) utilize, or cause to be utilized, files maintained by the department of probation and statewide and nationwide criminal justice, warrant and protection order information systems and files including, but not limited to, the National Instant Criminal Background Check System; and (ii) inquire of the commissioner of the department of mental health relative to whether the applicant is disqualified from receiving a permit, card or license.

(e) The licensing authority shall make inquiries concerning the applicant to: (i) the commissioner of the department of criminal justice information services relative to any disqualifying condition, any prior permit, card or license information, any record of restraint and application for hospitalization pursuant to section 12 of chapter 123, and records of purchases, sales, rentals, leases and transfers of firearms or ammunition concerning the applicant; (ii) the commissioner of probation relative to any record contained within the department of probation or the statewide domestic violence record keeping system concerning the applicant; and (iii) the commissioner of mental health relative to whether the applicant is a suitable person to possess firearms; provided, however, that if the department of criminal justice information services provides a record of restraint and application for hospitalization pursuant to said section 12 of said chapter 123, the licensing authority shall make inquiries to the law enforcement agency that submitted the record regarding the circumstances of such restraint and application for hospitalization and shall consider such circumstances when determining the applicant's suitability for a license, card or permit; provided further, that the applicant may submit for the licensing authority's consideration, an affidavit of a licensed physician, advanced practice registered nurse or clinical psychologist attesting that such physician, advanced practice registered nurse or clinical psychologist is familiar with the applicant's mental illness and that in the physician's, advanced practice registered nurse's or clinical psychologist's opinion, the applicant is not impacted by a mental illness in a manner that should prevent the applicant from possessing a firearm. The director or commissioner to whom the licensing authority makes such inquiry shall provide prompt and full cooperation for that purpose in any investigation of the applicant. Any information that an individual has a record of restraint and application for hospitalization pursuant to said section 12 of said chapter 123 shall be used solely to

QUESTION 9: Full Text of Existing Law (continued)

provide licensing authorities with information required or permitted to be considered under state or federal law to conduct background checks for firearm sales or licensing and shall not be disclosed to any other party for any other purpose.

(f) Whoever knowingly files an application for any permit, card or license pursuant to sections 122, 122B, 122D, 129B, 131 or 131F containing false information or knowingly issues any such permit, card or license in violation of this chapter 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.

(g) The application for any license or firearm identification card pursuant to sections 122, 122B, 122D, 129B, 131 or 131F, shall be made in a standard form provided by the commissioner of the department of criminal justice information services, which shall require the applicant, or parent or guardian of a minor, to affirmatively state, under the pains and penalties of perjury, that the applicant is not disqualified on any of the grounds enumerated in this section from being issued such permit, card or license.

(h) A licensing authority shall record in books, forms or electronic files kept for that purpose on the premises, and on the electronic firearms registration system created by the department of criminal justice information services pursuant to section 121B when produced or received, all: (i) license, permit and card applications, receipts, fees, affidavits, license location transfers and training certificates; (ii) issued licenses, permits and cards, and denials, revocations and suspensions of the same; (iii) decisions of the firearm licensing review board; and (iv) firearm transfers, including deliveries, seizures, surrenders, loss or theft or disposals. The department shall ensure automatic notification to the licensing authority of the existence of any disqualifying condition discovered or occurring subsequent to the issuance of said permit, card or license and a notice of the expiration of the same not more than 5 days after the expiration including the expiration date of the permit, card or license and the name and address of the licensee.

(i) Any permit, card or license issued under sections 122D, 129B, 131 or 131F shall be issued in a standard form provided by the department of criminal justice information services in a size and shape equivalent to that of a license to operate motor vehicles issued by the registry of motor vehicles pursuant to section 8 of chapter 90 and shall

be clearly marked with the permit, card or license name. It shall contain a permit, card or license number, name, address, photograph, fingerprint, place and date of birth, height, weight, hair color, eye color and signature of the licensee or permit or card holder and shall provide, in a legible font size and style, the telephone number for the 988 Suicide and Crisis Lifeline.

(j) A licensing authority shall deny any application for a permit, card or license issued under sections 122, 122B, 122D, 129B, 131 or 131F, or renewal thereof, to a person the licensing authority determines to be a prohibited person. A prohibited person shall be a person who:

(i) has ever, in a court of the commonwealth or in any other state or federal jurisdiction, been convicted or adjudicated as a youthful offender or delinquent child or both, as defined in section 52 of chapter 119, 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 section 121; (D) a violation of any law regarding the use, possession, ownership or transfer of firearms or ammunition for which a term of imprisonment may be imposed; (E) a violation of any law of the commonwealth regulating the use, possession or sale of controlled substances, as defined in section 1 of chapter 94C, or a violation of any substantially similar law of another state or federal jurisdiction; or (F) a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a) (33); provided, however, that, the commission of a crime described in clauses (B), (D) or (E) shall only disqualify an applicant for a firearm identification card under section 129B for 5 years after the applicant was convicted or adjudicated or released from confinement, probation or parole supervision for such conviction or adjudication, whichever occurs later;

(ii) is or has been: (A) committed to a hospital or institution for mental illness or alcohol or substance use disorder, except a commitment pursuant to sections 35 or 36C of chapter 123, unless after 5 years from the date of the confinement the applicant submits with the application for a permit, card or license an affidavit of a licensed physician or clinical psychologist attesting familiarity with the applicant's mental illness or alcohol or substance use disorder and that in the physician's or psychologist's opinion, the applicant is not suffering from a mental illness or alcohol or substance use disorder in a manner that shall prevent the applicant from possessing a licensed firearm; (B) committed by a court order to a hospital or institution for mental illness, unless the applicant was granted a petition for relief of the court order pursuant to said section

QUESTION 9: Full Text of Existing Law (continued)

36C of said chapter 123 and submits a copy of the court order with the application for a permit, card or license; (C) subject to an order of the probate court appointing a guardian or conservator for an incapacitated person on the grounds that the applicant lacks the mental capacity to contract or manage the applicant's affairs, unless the applicant was granted a petition for relief of the order of the probate court pursuant to section 56C of chapter 215 and submits a copy of the order with the application for a permit, card or license ; or (D) found to be a person with an alcohol use disorder or substance use disorder or both and committed pursuant to said section 35 of said chapter 123, unless the applicant was granted a petition for relief of the court order pursuant to said section 35 of said chapter 123 and submits a copy of the court order with the application;

(iii) is currently subject to: (A) an order for suspension or surrender issued pursuant to sections 3B or 3C of chapter 209A; (B) a permanent or temporary protection order issued pursuant to said chapter 209A; (C) any order described in 18 U.S.C. 922(g)(8); (D) a permanent or temporary harassment prevention order issued pursuant to chapter 258E; (E) an extreme risk protection order issued pursuant to sections 131R to and 131Y; or (F) an order similar to the orders described in clauses (A), (B), (C), (D) or (E) issued by another jurisdiction;

(iv) is currently the subject of an outstanding arrest warrant in any state or federal jurisdiction;

(v) is not a citizen or national of the United States and does not maintain lawful permanent residency;

(vi) has been discharged from the armed forces of the United States under dishonorable conditions; or

(vii) is a fugitive from justice.

(k) A licensing authority shall deny any application for a permit, card or license under sections 122, 122B, 122D, 129B, 131 or 131F, or renewal thereof, to a person the licensing authority determines to be unsuitable to hold a permit, card or license. A determination of unsuitability shall be based on reliable, articulable and credible information that the applicant has exhibited or engaged in behavior that suggests that, if issued a permit, card or license, the applicant may create a risk to public safety or a risk of danger to themselves or others. Upon denial of an application or renewal of a permit, card or license based on a determination of unsuitability, the licensing authority shall notify the applicant in writing setting forth the specific reasons for the determination.

(l) In the case of an application or renewal of a firearm

identification card under section 129B, a licensing authority shall not have the authority to deny an application on the grounds of unsuitability but may file a petition requesting that the district court having jurisdiction deny said application on unsuitability grounds. Such petition shall operate to stay the application and shall be founded upon a written statement of the reasons for supporting a finding of unsuitability. Upon filing, a copy of the written petition and statement shall be provided to the applicant by the licensing authority. The court shall within 90 days of receiving the filed petition hold a hearing to determine if the applicant for the firearm identification card is unsuitable and enter a judgment on suitability. A determination of unsuitability shall be based on a preponderance of the evidence that there is reliable, articulable and credible information that the applicant has exhibited or engaged in behavior that suggests that, if issued a firearm identification card, the applicant may create a risk to public safety or a risk of danger to self or others. If a court enters a judgment that an applicant is unsuitable, the court shall notify the applicant in writing setting forth the specific reasons for such determination. If a court has not entered a judgement that an applicant is unsuitable within 90 days of the petition, judgment that the applicant is suitable for a firearm identification card shall be automatically entered.

(m) An applicant aggrieved by a denial of a permit, card or license under sections 122, 122B, 122D, 129B, 131 or 131F may appeal the denial pursuant to subsection (v).

(n) All application fees for licenses, cards and permits issued under sections 122, 122D, 129B or 131 shall be payable to the issuing licensing authority and shall not be prorated or refunded in case of revocation or denial. Notwithstanding any general or special law to the contrary, licensing authorities shall deposit all fees into the specified funds quarterly, not later than January 1, April 1, July 1 and October 1 of each year.

(o) Unless otherwise stated in this section the fee for an application or renewal of:

(i) any license, card or permit shall be \$100 of which the licensing authority shall retain \$25 of the fee; \$50 of the fee shall be deposited into the General Fund; provided, that not less than \$50,000 of the total funds deposited into the General Fund shall be allocated to the firearm licensing review board, established in 130B, for its operations; and provided further, that any funds not expended by said board for its operations shall revert back to the General Fund; and \$25 of the fee shall be deposited in the Firearms Fingerprint Identity Verification Trust Fund established in

QUESTION 9: Full Text of Existing Law (continued)

section 2LLL of chapter 29;

(ii) a license to carry firearms issued under section 131 for active and retired law enforcement officials or local, state or federal government entities acting on their behalf shall be \$25 of which 50 per cent shall be retained by the licensing authority and 50 per cent shall be deposited into the General Fund; and

(iii) a firearm identification card issued under section 129B for persons under 18 years of age or a self-defense spray permit issued under section 122D shall be \$25 of which 50 per cent shall be retained by the licensing authority and 50 per cent shall be deposited into the General Fund.

(p) Any person over the age of 70 and any law enforcement officer applying through their employing agency for renewal of a license to carry firearms or a firearm identification card shall be exempt from the requirement of paying a renewal fee.

(q) Any person with a license to sell under section 122 shall not be assessed any additional fee for a gunsmith's license.

(r) The commissioner of the department of criminal justice information services shall send electronically or by first class mail to the license, card or permit holder, a notice of the expiration of the license, card or permit not less than 90 days before its expiration and shall enclose or provide a website link to a form for its renewal. The form for renewal shall include:

(i) an affidavit which shall be completed and returned in order to renew the license, card or permit in which the applicant shall verify that the applicant has not lost or had stolen any firearm, for a license, card and permit respectively, from the applicant's possession since the date of the applicant's last renewal or issuance; and

(ii) all pertinent information about the penalties and punishments that may be imposed if the license, card or permit is not renewed and the applicant remains in possession of any firearms.

(s) Notwithstanding any general or special law to the contrary, an expired license to carry firearms issued under section 131 or an expired firearm identification card issued under section 129B shall remain valid for all lawful purposes if:

(i) the licensee or card holder applied for renewal before the license or card expiration date and shall remain valid until the application for renewal is approved or denied;

(ii) the licensee or card holder is on active duty with the

armed forces of the United States on the expiration date of the license or card; provided, that the license or card shall remain valid until the licensee or card holder is released from active duty and for a period of not less than 180 days following their release; provided, however, that, if the licensee or card holder applied for renewal prior to the end of that period, the license or card shall remain valid for all lawful purposes until the application for renewal is approved or denied; or

(iii) the expiration period has not yet exceeded 90 days beyond the stated date of expiration, unless such license to carry or firearm identification card has been revoked or suspended.

(t) Any person in possession of a license to carry issued under sections 131 or firearm identification card issued under section 129B whose respective license or card is invalid for the sole reason that it has expired, not including licenses and cards that remain valid under subsection (s), and not otherwise disqualified from renewal upon application, shall be subject to a fine of not less than \$100 nor more than \$5,000 and section 10 of chapter 269 shall not apply; provided, however, that this exemption shall not apply if such license or card: (i) has been revoked or suspended unless such revocation or suspension was caused by failure to give notice of a change of address; (ii) is the subject of pending revocation or suspension unless such revocation or suspension was caused by failure to give notice of a change of address; or (iii) has had an application for renewal denied. Any law enforcement officer who discovers a person to be in possession of a firearm after such person's license or card has expired, meaning after 90 days beyond the stated expiration date on the license or card or has been revoked or suspended solely for failure to give notice of a change of address, shall confiscate such firearm and the expired or suspended license or card then in possession and such officer shall forward such license or card, as soon as practical, to the licensing authority that issued the expired license or card. The officer shall, at the time of confiscation, provide to the person whose firearm has been confiscated, a written inventory and receipt for all firearms confiscated and the officer shall exercise due care in the handling, holding and storage of these items. Any confiscated firearm shall be considered surrendered and subject to the conditions of section 129D; provided, however, that the confiscated firearm shall be returned to the owner if proof of license or permit reinstatement is provided within 1 year of confiscation. This subsection shall not apply to temporary licenses to carry under section 131F.

QUESTION 9: Full Text of Existing Law (continued)

(u)(1) A licensing authority shall revoke or suspend any license, card or permit pursuant to sections 122, 122B, 122D, 129B, 131 or 131F upon the occurrence of any event which makes the licensee, card or permit holder a prohibited person as defined subsection (j). A licensing authority may also revoke or suspend any license, card or permit issued pursuant to sections 122, 122B, 122D, 129B, 131 or 131F upon a subsequent determination of unsuitability as defined in subsection (k) or upon satisfactory proof that the license, card or permit holder has violated or permitted any violation of this chapter; provided, however, that in the case of a firearm identification card issued under section 129B, a licensing authority shall file a petition to the district court for suspension or revocation of said card, and said petition shall effect such suspension or revocation pending a judicial determination of sufficient evidence of unsuitability, which the court shall make within 15 days of the filing of the petition, after which the procedures and standards of subsection (l) shall apply. A licensing authority may revoke or suspend any license issued under sections 122 or 122B only after due notice to the licensee and reasonable opportunity to be heard.

(2) Any revocation or suspension of a card, permit or license issued under sections 122, 122B, 122D, 129B, 131 or 131F shall be in writing and shall state the reasons for revocation or suspension. No pendency of proceedings before the court shall operate to stay such revocation or suspension. Notices of revocation and suspension shall be forwarded to the commissioner of the department of criminal justice information services and the commissioner of probation and shall be included in the criminal justice information system. A revoked or suspended permit, card or license may be reinstated only upon the termination of all disqualifying conditions. If a license to sell issued under section 122 or section 122B is revoked, the licensee shall be disqualified to receive a license for 1 year after the expiration of the term of the license so revoked.

(v)(1) Any applicant or licensee aggrieved by a denial, revocation or suspension of a license to sell under section 122 or section 122B may appeal such denial, revocation or suspension by: (i) applying to the colonel of state police for said license within 10 days of a denial, revocation or suspension, who may direct the licensing authority to grant said license if, after a hearing, the colonel determines that there were no reasonable grounds for the denial, suspension or revocation and that the applicant is not barred by law from holding such a license, or (ii) filing an appeal with the district court having jurisdiction pursuant to

paragraph (2) of this subsection.

(2) Any applicant or license, card or permit holder aggrieved by a denial, revocation or suspension of a permit, card or license issued under sections 122, 122B, 122D, 129B, 131 or 131F may, unless a hearing has previously been held pursuant to section 131S or 131T, chapter 209A or chapter 258E, within either 90 days after receiving notice of the denial, revocation or suspension or within 90 days after the expiration of the time limit during which the licensing authority shall respond to the applicant, file a petition to obtain judicial review in the district court having jurisdiction in the city or town in which the applicant filed the application or in which the permit, card or license was issued.

(3) The district court may order a permit, card or license be issued or reinstated upon a finding that there was no reasonable ground for denying, suspending or revoking the permit, card or license and that petitioner is not prohibited by law from possessing the permit, card or license.

SECTION 33. Said chapter 140 is hereby further amended by striking out section 122, as so appearing, and inserting in place thereof the following section:-

Section 122. (a) A licensing authority, in accordance with section 121F, may grant or renew a license to sell, rent, lease, purchase or otherwise transfer firearms and ammunition therefore, or to be in business as a gunsmith, to any person 21 years of age or older who is neither a prohibited person nor deemed unsuitable to be issued said license pursuant to said section 121F and who completes the online dealer training classes mandated under section 125.

(b) Every license shall specify the street and number of the building where the business is to be carried on, and the license shall not protect a licensee who carries on their business in any other place and shall not entitle the owner thereof to possess or carry any firearm or ammunition outside of the licensed business premises.

SECTION 34. Said chapter 140 is hereby further amended by striking out section 122B, as so appearing, and inserting in place thereof the following section:-

Section 122B. (a) Any lawfully incorporated sporting or shooting club shall, upon application to the licensing authority, and in accordance with section 121F, be eligible to be licensed to sell or supply ammunition for regulated shooting on their premises, such as for skeet, target or trap shooting; provided, however, that such club license shall, on behalf of said club, be issued to and exercised

QUESTION 9: Full Text of Existing Law (continued)

by an officer or duly authorized member of the club who possesses a license to carry or firearm identification card and who would not be disqualified to receive a license or card under said section 121F.

(b) A club or facility, incorporated under the laws of the commonwealth, with an on-site shooting range or gallery, may be licensed by the state police, after an investigation, for the possession, storage and use of large capacity firearms, ammunition therefor and large capacity feeding devices for use on the premises of the club; provided, however, that not less than 1 shareholder of the club shall be qualified and suitable to be issued a license to carry under section 121F; and provided further, that such large firearms may be used under the club license only by a member that possesses a valid license to carry firearms issued pursuant to section 131, or by such other person that the club permits while under the direct supervision of a certified firearms safety instructor or club member who possesses a valid license to carry firearms.

(c) The club shall:

(i) not permit shooting at targets that depict human figures, human effigies, human silhouettes or any human images thereof, except by public safety personnel performing in line with their official duties;

(ii) not allow the removal of any large capacity firearm from the premises except as permitted by law in order to: (A) transfer to a licensed dealer; (B) transport to a licensed gunsmith for repair; (C) transport to target, trap or skeet shoot on the premises of another club incorporated under the laws of the commonwealth; (D) transport to attend an exhibition or educational project or event that is sponsored by, conducted under the supervision of or approved by a public law enforcement agency or a national or state recognized entity that promotes proficiency in or education about semiautomatic firearms; (E) hunt pursuant to chapter 131; or (F) surrender the firearm pursuant to section 131O;

(iii) secure in a locked container and unload during any lawful transport under section 131C all large capacity firearms or feeding devices kept on the premises when not in use;

(iv) annually file a report with the colonel of the state police and the commissioner of the department of criminal justice information services listing all large capacity firearms and large capacity feeding devices owned or possessed under the license; and

(v) permit the colonel to inspect all firearms owned or possessed by the club upon request during regular

business hours.

(d) The secretary of public safety and security may establish such rules and regulations as the secretary may deem necessary to carry out the provisions of this section.

(e) Whoever not being licensed, as provided in section 122 or this section, sells ammunition within the commonwealth shall be punished by a fine of not less than \$500 nor more than \$1,000 dollars or by imprisonment for not less than 6 months nor more than 2 years.

SECTION 35. Said chapter 140 is hereby further amended by striking out section 122C, as so appearing, and inserting in place thereof the following section:-

Section 122C. (a) Whoever, not being licensed as provided in section 122, sells self-defense spray shall be punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not more than 2 years.

(b) Whoever licensed under section 122 sells self-defense spray to a person younger than 18 years of age, if the person younger than 18 years of age does not have a self-defense spray permit, shall be punished by a fine of not more than \$300.

(c) A person under 18 years of age who possesses self-defense spray and who does not have a self-defense spray permit shall be punished by a fine of not more than \$300.

SECTION 36. Said chapter 140 is hereby further amended by striking out section 122D, as so appearing, and inserting in place thereof the following section:-

Section 122D. (a) No person under 18 years of age may purchase or possess self-defense spray without a self-defense spray permit issued by a licensing authority in accordance with section 121F. A self-defense spray permit shall be valid to purchase and possess self-defense spray, including all chemical mace, pepper spray or other similarly propelled liquid, gas or powder designed to temporarily incapacitate.

(b) A local licensing authority may issue to a person at least 15 years of age but less than 18 years a self-defense spray permit if the person is not a prohibited person or unsuitable under section 121F. A self-defense spray permit shall be issued for the sole purpose of purchasing and possessing self-defense spray and shall clearly state that it is valid for such limited purpose only. This permit may be issued to a person at least 12 years of age but less than 15 years if the person is not a prohibited person or unsuitable under section 121F and if the applicant submits with their application a certificate from the applicant's parent or guardian granting permission to apply for this permit.

QUESTION 9: Full Text of Existing Law (continued)

(c) A self-defense spray permit shall be valid for a period of 3 years and shall expire on the anniversary of the permit holder's date of birth occurring not less than 3 years nor more than 4 years from the date of issue. Any permit issued to an applicant born on February 29 shall expire on March 1.

(d) A permit holder shall report any change of address via the electronic firearm registration system administered by the commissioner of the department of criminal justice information services. Such notification shall be made on the portal within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of such permit.

SECTION 37. Said chapter 140 is hereby further amended by striking out section 123, as so appearing, and inserting in place thereof the following section:-

Section 123. (a) As used in this section "licensee" shall mean a person with a license to sell under section 122.

(b) Licensees shall maintain a business premise that is not a residential dwelling wherein all transactions shall be conducted and wherein all records shall be kept.

(c) Licensees shall display their license to sell or a copy thereof, certified by the licensing authority, in a position where it can be easily read; provided, however, that no firearm shall be displayed in any outer window of the business premises or in any other place where it can be readily seen from outside the business premises.

(d) Licensees shall conspicuously post and distribute at each purchase counter a notice providing information on: (i) safe transportation and storage of firearms developed and provided by the department of criminal justice information services, which shall develop and maintain on its website for download a sign providing such information; and (ii) suicide prevention information pursuant to subsection (e).

(e) The executive office of public safety and security, in collaboration with the department of public health, shall develop a notice providing information on suicide prevention, which shall be posted on the executive office's website and posted and distributed in accordance with subsection (d). Such notice shall include, but not be limited to: (i) information on signs and symptoms of depression; (ii) state and federal suicide prevention hotlines; and (iii) resources for individuals at risk of suicide.

(f) Prior to any transfer, a licensee shall verify the status of any license, card, permit or exemption documentation

including a verification that the person presenting the license, card, permit or documentation is the lawful holder thereof. No transfer of any firearm or ammunition shall be made to any person not in possession of the required license, card, permit or exemption documentation at the time of the transaction.

(g) Upon being presented with an expired, suspended or revoked license, card or permit a licensee shall: (i) immediately report the attempted transaction to the department of criminal justice information services using its electronic firearms registration system, including, but not limited to, all information recorded pursuant to subsection (h); (ii) take possession of such card, permit or license and immediately forward the same to the licensing authority for the city or town where the licensee conducts business; (iii) issue the license, card or permit holder a receipt, in a form provided by the commissioner of the department of criminal justice information services, which shall state that the holder's license, card or permit is expired, suspended or revoked, was taken by the licensee, and forwarded to the licensing authority, and which shall be valid for 90 days for the purpose of providing immunity from prosecution under section 10 of chapter 269; and (iv) notify the license, card or permit holder of their duty to surrender their firearms forthwith to their local licensing authority under section 129D. The licensee shall be immune from civil and criminal liability for good faith compliance with the provisions herein.

(h) The licensee shall make and keep an on-site or electronic record of all firearm transactions and said record shall be open at all times to the inspection of the police. Before transfer or delivery of any sold, rented, leased or otherwise transferred firearm or ammunition, a legible entry in the on-site or electronic record shall be made and kept specifying: (i) the complete description of the firearm and ammunition transferred, including the make, serial number, type of firearm and designation as a large capacity firearm, if applicable; (ii) whether the firearm or ammunition has been sold, rented or leased and the date of such transaction; (iii) the license, permit or card identification number of the person acquiring the firearm, or ammunition along with their sex, residence address and occupation; and (iv) the purchaser, renter or lessee's name as personally written by said person in the sales record book and as confirmed by valid state or federal identification. This subsection shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms unless said gunsmith has manufactured a firearm for the purchaser but said gunsmith shall keep records of

QUESTION 9: Full Text of Existing Law (continued)

their work together with the names and addresses of their customers.

(i) Licensees shall, immediately upon notice of any loss or theft of a firearm or ammunition from the licensee or licensee's business premises immediately report such loss or theft to the department of criminal justice information services via the electronic firearms registration system created pursuant to section 121B.

(j) A licensee may sell or transfer firearms and ammunition at any regular meeting of an incorporated collectors club or at a gun show open to the general public; provided, however, that a licensee shall comply with all other provisions of this section and that such sale or transfer is in conformity with both federal and state law and regulations.

(k) No licensee shall fill an order for any firearm or ammunition received by mail, facsimile, telephone, internet or other telecommunication unless such transaction includes the in-person presentation of the required license, card, permit or documentation as required herein prior to any sale, delivery or any form of transfer or possession. Transactions between federally licensed dealers shall be exempt from this subsection.

(l) Licensees shall ensure that all firearms and ammunition shall be unloaded when delivered and that delivery shall be only made to a person with the proper license card or permit or exemption to possess the firearms or ammunition included in the delivery.

(m) Any licensee, or any employee or agent of such a licensee, who violates this section shall be punished by a fine of not less than \$1,000 nor more than \$10,000, by imprisonment for not less than 1 year nor more than 10 years, or by both such fine and imprisonment.

(n) The local licensing authority shall enter the business premises of any licensee at least once per calendar year during regular business hours and shall make inquiries and inspect the licensee's records, inventory, policies and procedures for the purpose of enforcing this section. Licensees found to be in violation of this section shall be subject to the suspension or revocation of their license to sell. The department of state police may assume licensing responsibilities of a local licensing authority for the calendar year if a written request is provided at least 6 months in advance of any required inspection. Upon the failure of a local licensing authority to inspect licensees in accordance with this subsection the department of state police may become the inspecting authority. The executive office of public safety and security shall promulgate

rules and regulations to effectuate the purposes of this subsection, which shall include, but not be limited to: (i) inspection timing, procedure, standards and reporting requirements; (ii) procedures and penalties for licensee violations and re-inspections; and (iii) processes and standards for a local licensing authority requesting or removing inspection responsibilities to the department of state police or failing to inspect as mandated by this subsection. Nothing herein shall prohibit any other law enforcement agency from conducting such inspections pursuant to a valid search warrant issued by a court of competent jurisdiction.

(o) No licensee under section 122 shall sell, rent, lease or otherwise transfer any firearm described in this subsection except to a business entity that is primarily a firearm wholesaler, and such transfer shall, by its terms, prohibit the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth. This subsection shall apply to:

(i) a firearm that has a frame, barrel, cylinder, slide or breechblock that is composed of: (A) any metal having a melting point of less than 900 degrees Fahrenheit; (B) any metal having an ultimate tensile strength of less than 55,000 pounds per square inch; or (C) any powdered metal having a density of less than 7.5 grams per cubic centimeter. This clause shall not apply to any make and model of a firearm for which a sample of 3 firearms in new condition all pass the following test: each of the 3 samples shall fire 600 rounds, stopping every 100 rounds to tighten any loose screws and to clean the gun if required by the cleaning schedule in the user manual, and as needed to refill the empty magazine or cylinder to capacity before continuing. For any firearm that is loaded in a manner other than via a detachable magazine, the tester shall also pause every 50 rounds for 10 minutes. The ammunition used shall be the type recommended by the firearm manufacturer in its user manual or, if none is recommended, any standard of ammunition of the correct caliber in new condition. A firearm shall pass this test if it fires the first 20 rounds without a malfunction, fires the full 600 rounds with not more than 6 malfunctions and completes the test without any crack or breakage of an operating part of the firearm that does not increase the danger of injury to the user. For purposes of this clause "malfunction" shall mean any failure to feed, chamber, fire, extract or eject a round or any failure to accept or eject a magazine or any other failure which prevents the firearm, without manual intervention beyond that needed for routine firing and periodic reloading, from firing the

QUESTION 9: Full Text of Existing Law (continued)

chambered round or moving a new round into position so that the firearm is capable of firing the new round properly. “Malfunction” shall not include a misfire caused by a faulty cartridge the primer of which fails to detonate when properly struck by the firearm’s firing mechanism;

(ii) a firearm that is prone to accidental discharge, which, for purposes of this clause, shall mean any make and model of firearm for which a sample of 5 firearms in new condition all undergo, and none discharge during, the following test: each of the 5 sample firearms shall be: (A) test loaded; (B) set so that the firearm is in a condition such that pulling the trigger and taking any action that shall simultaneously accompany the pulling of the trigger as part of the firing procedure would fire the firearm; and (C) dropped onto a solid slab of concrete from a height of 1 meter from each of the following positions: (1) normal firing position; (2) upside down; (3) on grip; (4) on the muzzle; (5) on either side; and (6) on the exposed hammer or striker or, if there is no exposed hammer or striker, the rearmost part of the firearm. If the firearm is designed so that its hammer or striker may be set in other positions, each sample firearm shall be tested as above with the hammer or striker in each such position but otherwise in such condition that pulling the trigger and taking any action that shall simultaneously accompany the pulling of the trigger as part of the firing procedure, would fire the firearm. Alternatively, the tester may use additional sample firearms of the same make and model, in a similar condition, for the test of each of these hammer striker settings;

(iii) a firearm that is prone to: (A) firing more than once per pull of trigger; or (B) explosion during firing; and

(iv) a firearm that has a barrel less than 3 inches in length, unless the licensee discloses in writing, prior to the transaction, to the prospective buyer, lessee or transferee the limitations of the accuracy of the particular make and model of the subject firearm, by disclosing the make and model’s average group diameter test result at 7 yards, average group diameter test result at 14 yards and average group diameter test result at 21 yards. For purpose of this clause, “average group diameter test result” shall mean the arithmetic mean of three separate trials, each performed as follows on a different sample firearm in new condition of the make and model at issue. Each firearm shall fire 5 rounds at a target from a set distance and the largest spread in inches between the centers of any of the holes made in the test target shall be measured and recorded. This procedure shall be repeated 2 more times on the firearm. The arithmetic mean of each of the 3 recorded results shall be deemed the result of the trial for

that particular sample firearm. The ammunition used shall be the type recommended by the firearm manufacturer in its user manual, if none is recommended, any standard ammunition of the correct caliber in new condition.

(p) Subsection (o) shall not apply to: (i) a firearm lawfully owned or possessed under a license issued under this chapter on or before October 21, 1998; (ii) a stun gun; or (iii) a firearm designated by the secretary of public safety, with the advice of the firearm control advisory board, established pursuant to section 131½, as a firearm solely designed and sold for formal target shooting competition or for Olympic shooting competition and listed on the rosters pursuant to section 131¾.

SECTION 38. Said chapter 140 is hereby further amended by striking out section 125, as so appearing, and inserting in place thereof the following section:-

Section 125. (a) Licensing authorities shall participate in training seminars as prescribed by the executive office of public safety and security, which shall include, but shall not be limited to, instruction on: (i) current laws, regulations and rules relating to this chapter; (ii) licensing responsibilities; (iii) record keeping obligations; (iv) firearm surrender, registration and tracing; (v) responsibilities and requirements regarding the annual inspection of establishments licensed under section 122; and (v) electronic database use.

(b) Any person making an application for the issuance of a license to sell or renewal thereof under section 122 shall, in addition to the requirements set forth in this chapter, complete a dealer training program developed and offered online by the executive office of public safety and security. No application for the issuance of a license to sell shall be accepted or processed by the licensing authority without a certification of program completion.

(c) The curriculum for the training program pursuant to subsection (b) shall include: (i) uniform standards of security for business premises; (ii) employee background check and training requirements; and (iii) information on requirements and conditions contained in chapter 140, and other laws the executive office, in its discretion, deems relevant.

(d) The executive office of public safety and security shall promulgate rules and regulations to implement this section.

SECTION 39. Section 126 of said chapter 140, as so appearing, is hereby amended by striking out, in lines 3 and 4 and lines 6 and 7, each time they appear, the words “, rifles, shotguns or machine guns”.

QUESTION 9: Full Text of Existing Law (continued)

SECTION 40. Section 128 of said chapter 140, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:

Whoever, licensed under section 122 or 122B, sells or furnishes a firearm or ammunition to any person without a firearm license card or permit shall have their license revoked and shall not be entitled to apply for such license for 10 years from the date of such revocation and shall be punished by a fine of not less than \$1,000 nor more than \$10,000, by imprisonment in a state prison for not more than 10 years or house of correction for not more than 2½ years or by both such fine and imprisonment; provided, however, that a valid permit to purchase issued under section 131A may permit certain firearm transfers to persons over 18 years of age. Any person who, without being licensed under section 122 or exempt as provided under section 129C, sells, rents, leases or otherwise transfers a firearm, or is engaged in business as a gunsmith, shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment for not less than 1 year nor more than 10 years, or by both such fine and imprisonment. Evidence that a person sold or attempted to sell a machine gun shall constitute prima facie evidence that such person is engaged in the business of selling machine guns.

SECTION 41. Said chapter 140 is hereby further amended by striking out section 128A, as so appearing, and inserting in place thereof the following section:-

Section 128A. (a) A person with a license to carry under section 131 may sell or transfer firearms and ammunition and a person with a firearm identification card under section 129B may sell or transfer rifles and shotguns that are not large capacity or semiautomatic and ammunition to: (i) a person with a license to sell issued under section 122; (ii) a federally licensed firearms dealer; or (iii) a federal, state or local historical society, museum or institutional collection open to the public, without an annual limit on transfers.

(b) A person with a license to carry under section 131 may sell or transfer firearms and ammunition therefor and a person with a firearm identification card under section 129B may sell or transfer rifles and shotguns that are not large capacity or semi-automatic and ammunition therefor to the following; provided, however, that no more than 4 firearm transfers shall occur per calendar year:

- (i) a person with a license to carry under section 131;
- (ii) an exempted person if permitted under section 129C;

and

(iii) a person with a firearm identification card under section 129B; provided, however, that for transfers and purchases of firearms that are not rifles and shotguns that are not large capacity or semiautomatic, the transferee shall also have a valid permit to purchase under section 131A.

(c) An heir or devisee upon the death of a firearm or ammunition owner, a person in the military, police officers and other peace officers, a veteran's organization and historical society, museums and institutional collections open to the public may:

(i) sell or transfer firearms and ammunition therefor, to a federally licensed firearms dealer, or a federal, state or local historical society, museum or institutional collection open to the public; and

(ii) sell or transfer no more than 4 firearms and ammunition therefor per calendar year to: (A) a person with a license to carry under section 131; (B) an exempted person under section 129C; or (C) a person with a firearm identification card under section 129B; provided, however, that for transfers and purchases of firearms that are not rifles and shotguns that are not large capacity or semi-automatic, the transferee shall have a valid permit to purchase under section 131A.

(d) A person with a license to carry under section 131 may purchase or transfer firearms and ammunition therefor from a dealer licensed under section 122 or a person permitted to sell under this section.

(e) A person with a firearm identification card under section 129B who is over 18 years of age may purchase or transfer rifles and shotguns that are not large capacity or semi-automatic and ammunition therefor from a dealer licensed under section 122 or a person permitted to sell under this section.

(f) A bona fide collector of firearms may purchase a firearm that was not previously owned or registered in the commonwealth from a dealer licensed under section 122 if it is a curio or relic firearm as defined in section 121.

(g) All purchases, sales or transfers of a firearm permitted under this section shall, prior to or at the point of sale, be conducted through the electronic firearms registration system pursuant to section 121B. The department of criminal justice information services shall require each person selling or transferring a firearm pursuant to this section to electronically provide, through the electronic firearms registration system, such information as is determined to be necessary to verify the identification

QUESTION 9: Full Text of Existing Law (continued)

of the seller and purchaser and ensure that the sale or transfer complies with this section. Upon submission of the required information, the electronic firearms registration system 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 electronic firearms registration system 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.

SECTION 42. Said chapter 140 is hereby further amended by striking out section 128B, as so appearing, and inserting in place thereof the following section:-

Section 128B. Any resident of the commonwealth who purchases or obtains a firearm from any source within or without the commonwealth, other than from a licensee under section one 122 or a person authorized to sell firearms under section 128A, and any nonresident of the commonwealth who purchases or obtains a firearm from any source within or without the commonwealth, other than such a licensee or person, and receives such firearm within the commonwealth, shall register such firearm and report such information required under sections 121B and 121C. Whoever violates any provision of this section shall for the first offense be punished by a fine of not less than \$500 nor more than \$1,000 and for any subsequent offense by imprisonment in the state prison for not more than 10 years.

SECTION 43. Section 129 of said chapter 140, as so appearing, is hereby amended by striking out, in lines 1 to 3, inclusive, the words “, renting or hiring a firearm, rifle, shotgun or machine gun, or in making application for any form of license or permit” and inserting in place thereof the following words:- “or renting a firearm, or in making application for any form of license, card or permit”.

SECTION 44. Said chapter 140 is hereby further amended by striking out section 129B, as so appearing, and inserting in place thereof the following section:-

Section 129B. A firearm identification card shall be issued and possessed subject to the following conditions and restrictions:

(a) Any lawful resident 18 years of age or older residing within the jurisdiction of the licensing authority or residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority an

application for a firearm identification card, or renewal of the same, which the licensing authority shall issue pursuant to section 121F if it appears that the applicant is neither a prohibited person nor determined to be unsuitable to be issued a card as set forth in said section; provided, however, that a person aged 15 years or older, but less than 18 years of age, may submit an application for a firearm identification card and shall be issued the same only if the applicant meets the requirements of said section 121F and submits with the application a certificate of a parent or guardian granting the applicant permission to apply for the card. A person 14 years of age may submit an application for a firearm identification card but the applicant shall not be issued the card until the applicant reaches 15 years of age and at that time meets the standards and requirements under this subsection.

(b) No card shall be issued under this section unless the applicant submits with their application a basic firearms safety certificate or other certificate meeting the requirements of section 131P.

(c) A firearm identification card shall entitle a holder thereof to purchase, transfer, possess and carry rifles and shotguns that are not large capacity or semi-automatic, and the ammunition therefore. A firearm identification card shall not entitle a holder thereof to transfer, possess or carry any other firearm including any large capacity firearm, any large capacity or semiautomatic rifle or any large capacity or semiautomatic shotgun except under the direct supervision of a holder of a license to carry firearms at an incorporated shooting club or a licensed shooting range. Except as otherwise provided herein, a firearm identification card shall not be valid for the use, possession, ownership, transfer, purchase, sale, lease, rental or transportation of any large capacity firearm.

(d) A firearm identification card shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issuance and shall expire on the anniversary of the card holder's date of birth occurring not less than 5 years nor more than 6 years from the date of issue. A card issued on February 29 shall expire on March 1.

(e) The holder of a firearm identification card shall report any change of address via the electronic firearm registration system administered by the commissioner of the department of criminal justice services. Such notification shall be made on the portal within 30 days of its occurrence. Failure to so notify shall be cause for revocation or suspension of such card.

QUESTION 9: Full Text of Existing Law (continued)

(f) The secretary of the executive office of public safety, or a designee, may promulgate regulations to carry out the purposes of this section.

SECTION 45. Said chapter 140 is hereby further amended by striking out section 129C, as so appearing, and inserting in place thereof the following section:-

Section 129C. (a) Possession of a firearm or ammunition for a particular purpose and limited time without being duly issued a license, permit or card under sections 129B, 131, 131A or 131F shall be permitted by: (i) a person voluntarily surrendering the firearm or ammunition to the colonel of the state police pursuant to section 131O, (ii) a resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any new resident moving to the commonwealth, only with respect to any firearm or ammunition then in their possession prior to moving or return and only for 60 days after such return or entry into the commonwealth; or (iii) an heir or devisee upon the death of the legal owner of the firearm or the ammunition for not more than 60 days after said firearm or ammunition is transferred into their possession and who shall also be permitted to sell or otherwise transfer said firearm or ammunition to a duly licensed person within this time period pursuant to section 128A.

(b) Possession of a firearm or ammunition while under direct supervision of an individual holding a license or card under section 129B, 131 or 131F and only for a particular purpose and limited time without being duly licensed or permitted under said sections 129B, 131 or 131F is permitted by: (i) a retail customer for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations; provided, that the firearms to be so used shall be firmly chained or affixed to the counter and shall be under the direct supervision of a proprietor or employee thereof who holds the necessary license or card; (ii) a professional photographer or writer for examination purposes while in the pursuit of their profession or during the course of any television, movie, stage or other similar theatrical production; provided, that they are at all times under the immediate supervision of a holder of a license to carry or, in the case of rifles and shotguns that are not large capacity or semi-automatic, a firearm identification card; or (iii) a person in the presence of a holder of the necessary license or card for the purpose of examination, trial or instruction.

(c) Common carriers and their duly authorized employees and agents may possess firearms and ammunition therefor

without holding the necessary license or card under sections 129B, 131 or 131F while performing the regular and ordinary transport of firearms and ammunition as merchandise for customers duly licensed to permit such transport and so long as they abide by all storage and transportation requirements set forth in sections 131C and 131L.

(d) Notwithstanding section 131B, banks or institutional lenders and their duly authorized employees and agents, may possess and transfer non large capacity firearms and ammunition therefor as collateral for a secured commercial transaction or because of a default thereof without holding the necessary license or card under said sections 129B, 131 or 131F.

(e) Other organizations and their duly authorized employees and agents, may purchase, transfer and possess as so indicated in this subsection non large capacity firearms and ammunition therefor for a particular purpose and limited time without holding the necessary license or card under sections 129D, 131 or 131F if they are: (i) a federally licensed firearms manufacturer or wholesale dealer or their employees or agents who may possess firearms and ammunition therefor when their possession is necessary for manufacture, display, storage, transport, installation, inspection or testing; (ii) federal, state and local historical societies, museums and institutional collections open to the public who may possess firearms and ammunition therefor; provided, that such firearms shall be unloaded and properly housed and secured from unauthorized handling; provided further that the requirements for sales in section 128A are met; or (iii) a veteran's organization chartered by the congress of the United States, chartered by the commonwealth or recognized as a nonprofit tax-exempt organization by the internal revenue service and its members who may possess firearms and ammunition; provided, however, that members may only possess unloaded large capacity rifles or unloaded large capacity shotguns or large capacity rifles or large capacity shotguns that are loaded with blank cartridges and which contain no projectile within the blank or the bore or chamber; and provided further, that all possession by members of veteran's organizations shall be limited to official parade duty or ceremonial occasions.

(f) A person in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, who may purchase, sell or otherwise transfer and possess non-large capacity firearms and ammunition therefor without holding a license

QUESTION 9: Full Text of Existing Law (continued)

or card under sections 129D, 131 or 131F while in the performance of their official duty or when duly authorized to possess them by their employing agency; provided, that the requirements for sales in section 128A are met. Upon purchase, a person exempted under this subsection shall submit to the seller full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, as applicable.

(g) A person may furnish a minor or person under 21 years of age with a firearm and ammunition for hunting, instruction, recreation and participation in shooting sports provided that the person furnishing the firearm and ammunition holds the appropriate license, permit or card, or is a duly commissioned officer, noncommissioned officer or enlisted member of the United States army, navy, marine corps, air force or coast guard, or the national guard or military service of the commonwealth or reserve components thereof, while in performance of their duty

(h) No license, permit or card under this chapter shall be required for a legal resident of the commonwealth over the age of 18 to carry or possess: (i) a firearm known as a detonator and commonly used on vehicles as a signaling and marking device and only when carried or possessed for such purposes; or (ii) any device used exclusively for signaling or distress use and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(i) A nonresident who is at least 18 years of age may possess rifles and shotguns that are not large capacity or semi-automatic and ammunition therefor if the nonresident has a permit, card or license issued from their state of residence which has substantially similar requirements to those of the commonwealth for a firearm identification card as determined by the colonel of the state police pursuant to subsection (l)

(j) A nonresident who is at least 18 years of age may possess rifles and shotguns that are not large capacity or semi-automatic and ammunition therefor: (i) 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, as determined by the colonel of the state police pursuant to subsection (l); (ii) while on a firing or shooting range; (iii) while traveling in or through the commonwealth; provided, that the rifles and shotguns that are not large capacity or semi-automatic

shall be unloaded and in a locked container pursuant to sections 131C and 131L; or (iv) while at a firearm showing or display organized by a regularly existing gun collectors' club or association.

(k) A nonresident may carry a firearm on their person while in a vehicle lawfully traveling through the commonwealth; provided, however, that the firearm shall remain in the vehicle and if the firearm is outside its owner's direct control it shall be stored in the vehicle in accordance with section 131C.

(l) The colonel of the state police shall determine those states with substantially similar requirements to those of the commonwealth for a firearm identification card under section 129C and a hunting license under section 11 of chapter 131 and shall annually publish a list of those states.

(m) Nothing in this section shall supersede the firearm registration and serialization requirements pursuant to sections 121B and 121C.

SECTION 46. Said chapter 140 is hereby further amended by striking out section 129D, as so appearing, and inserting in place thereof the following section:-

Section 129D. (a) Upon revocation, suspension or denial of an application for any license or card issued pursuant to sections 129B, 131 or 131F the person whose application was so revoked, suspended or denied shall, without delay, deliver or surrender to the licensing authority where the person resides all firearms or ammunition which are registered to the person or that the person then possesses and shall report such delivery or surrender to the electronic firearms registration system pursuant to section 121B.

The person or the person's legal representative shall have the right, at any time up to 1 year after the delivery or surrender, to transfer the firearms and ammunition, notwithstanding the limits on private firearm transfers in section 128A, to a licensed dealer or to a person legally permitted to purchase or take possession of the firearms and ammunition and, upon notification in writing by the purchaser or transferee and the former owner, the licensing authority shall within 10 days deliver the firearms and ammunition to the transferee or purchaser and the licensing authority shall observe due care in the receipt and holding of any such firearm or ammunition; provided, however, that the purchaser or transferee shall affirm in writing that the purchaser or transferee shall not transfer the firearms or ammunition to the former owner; provided, however, that such transfer shall not be permitted if the firearm may be evidence in any pending

QUESTION 9: Full Text of Existing Law (continued)

criminal investigation. The licensing authority shall at the time of delivery or surrender inform the person in writing of their right to request a transfer in accordance with this paragraph.

(b) The licensing authority, after taking possession of any firearm or ammunition by any means, may transfer possession for storage purposes to a federally licensed firearms dealer who operates a bonded warehouse on the licensed premises that is equipped with a safe for the secure storage of firearms and a weapon box or similar container for the secure storage of ammunition; provided, however, that the licensing authority shall not transfer to such dealer possession of any firearm or ammunition that may be evidence in any pending criminal investigation. Any such dealer that takes possession of a firearm or ammunition pursuant to this section shall: (i) inspect the firearm or ammunition; (ii) issue to the owner a receipt indicating the make, model, caliber, serial number and condition of each firearm or ammunition so received; and (iii) store and maintain all firearms and ammunition so received in accordance with such regulations, rules or guidelines as the secretary of the executive office of public safety and security may establish under this section. The owner shall be liable to such dealer for reasonable storage charges.

(c) Firearms and ammunition not disposed of within 1 year of delivery or surrender pursuant to this section shall be sold at public auction by the colonel of the state police to the highest bidding person legally permitted to purchase and possess said firearms and ammunition and the proceeds shall be remitted to the General Fund.

(d) Any such firearm or ammunition that is stored and maintained by a licensed dealer may be so auctioned pursuant to subsection (c) at the direction of: (i) the licensing authority at the expiration of 1 year following initial surrender or delivery to such licensing authority; or (ii) the dealer then in possession, if the storage charges for such firearm or ammunition have been in arrears for 90 days; provided, however, that in either case, title shall pass to the licensed dealer for the purpose of transferring ownership to the auctioneer; provided further, that in either case, after deduction and payment for storage charges and all necessary costs associated with such surrender and transfer, all surplus proceeds, if any, shall be immediately returned to the owner of such firearm or ammunition; provided, however, that any firearm or ammunition identified pursuant to section 131Q as having been used to carry out a criminal act and any firearm or ammunition prohibited by law from being owned or possessed within

the commonwealth shall not be sold at public auction pursuant to this section and shall instead be destroyed by the colonel of the state police.

(e) Unless otherwise required in this chapter, if the licensing authority cannot reasonably ascertain a lawful owner within 180 days of acquisition by the licensing authority, the licensing authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms or ammunition to properly licensed distributors or firearms dealers. The proceeds of the sale or transfer shall be remitted or credited to the municipality in which the licensing authority presides to purchase firearms, equipment or supplies or for violence reduction or suicide prevention; provided, however, that no firearm or ammunition identified pursuant to section 131Q as having been used to carry out a criminal act shall be considered surplus, donated, abandoned or junk for the purposes of this section.

(f) The licensing authority shall report the delivery or surrender or seizure of firearms and ammunition pursuant to sections 131R to 131Y, inclusive, to the department of criminal justice information services via the electronic firearms registration system. The report shall include the following information: (i) date of delivery, surrender or seizure; (ii) make, model, serial number and caliber of the firearm delivered, surrendered or seized and any identifying information for ammunition delivered, surrendered or seized; (iii) grounds for surrender or seizure; (iv) whether the firearm or ammunition is prohibited by law from being owned or possessed in the commonwealth; (v) whether the firearm or ammunition was classified as having been used to carry out a criminal act; (vi) information on the possession, storage, transfer, sale and any income derived therefrom; and (vii) the destruction or other disposition of the firearm or ammunition.

Upon submission of this information, the system shall automatically report back to the licensing authority whether the firearm is registered, serialized, reported lost or stolen or potential evidence in a pending criminal investigation.

(g) The secretary of the executive office of public safety and security may promulgate rules and regulations as necessary to carry out this section.

SECTION 47. Section 130 of said chapter 140 is hereby repealed.

SECTION 48. Section 130½ of said chapter 140, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 2 and 5, the word “weapon” and inserting in place thereof, in each instance, the following

QUESTION 9: Full Text of Existing Law (continued)

word:- firearm.

SECTION 49. Said chapter 140 is hereby further amended by striking out section 131, as so appearing, and inserting in place thereof the following section:-

Section 131. The issuance and possession of a license to carry firearms shall be subject to the following conditions and restrictions:

(a) A license shall entitle a holder thereof of a license to purchase, rent, lease, borrow, possess and carry firearms, including large capacity firearms and ammunition therefor. The license shall not entitle a holder thereof to transfer, possess or carry large capacity feeding devices or assault-style firearms unless such transfer, possession or carry is permitted under section 131M.

(b) No license shall be issued under this section unless the applicant submits with their application a basic firearms safety certificate meeting the requirements of section 131P.

(c) A license to carry firearms shall be valid to own, possess, purchase and transfer rifles and shotguns that are not large capacity or semi-automatic, consistent with the entitlements conferred by a firearm identification card issued under section 129B.

(d) A lawful resident 21 years of age or older residing within the jurisdiction of the licensing authority or any law enforcement officer employed by the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority an application for a license to carry firearms, or renewal of the same, which the licensing authority shall issue as provided under section 121F only if it appears that the applicant is neither a prohibited person nor determined to be unsuitable to be issued a license as set forth in said section 121F, provided that upon an initial application for a license to carry firearms, the licensing authority shall conduct a personal interview with the applicant.

(e) A license to carry firearms shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue and shall expire on the anniversary of the licensee's date of birth occurring not less than 5 years nor more than 6 years from the date of issue. Any license issued to an applicant born on February 29 shall expire on March 1.

(f) No person shall be issued a license to carry a machine gun in the commonwealth, except that a licensing authority may issue a machine gun license to: (i) a firearm instructor certified by the municipal police training committee for the

sole purpose of firearm instruction to police personnel; or (ii) a bona fide collector of firearms as defined in section 121 upon application or upon application for renewal of such license. Clauses (i) and (ii) of this paragraph shall not apply to automatic devices or automatic parts.

(g) A person issued a license under this section shall report any change of address via the electronic firearm registration system administered by the commissioner of the department of criminal justice information services. Such notification shall be made on said electronic firearms registration system within 30 days of its occurrence. Failure to notify in a timely manner shall be cause for revocation or suspension of said license.

(h) The secretary of the executive office of public safety and security or their designee may promulgate regulations to carry out the purposes of this section.

SECTION 50. Said chapter 140 is hereby further amended by striking out section 131½, as so appearing, and inserting in place thereof the following section:-

Section 131½. (a) There shall be a firearm control advisory board, within the executive office of public safety and security, hereinafter referred to as the board, comprised of 7 members: the director of the firearms record bureau within the department of criminal justice information services or designee, who shall serve as chair; the attorney general or designee; 1 member appointed by the speaker of the house of representatives who shall not be a member of the general court and shall have demonstrated knowledge or expertise in firearm safety, law or technology; 1 member appointed by the president of the senate who shall not be a member of the general court and shall have demonstrated knowledge or expertise in firearm safety, law or technology; 2 members appointed by the governor, 1 of whom shall be a member of the Gun Owners Action League, Inc. and 1 of whom shall be a police chief selected from a list of four chiefs provided by the Massachusetts Chiefs of Police Association Incorporated; and the armorer of the department of state police or designee.

(b) The board shall advise the executive office of public safety and security on matters relating to the firearm control provisions of this chapter, including, but not limited to, consulting with the executive office of public safety and security on the development of the firearm rosters outlined in section 131¾. The board shall also advise the executive office of public safety and security on training needs and materials for licensing authorities and licensees. The board members shall serve without compensation; provided,

QUESTION 9: Full Text of Existing Law (continued)

however, that members shall be reimbursed for any usual and customary expenses incurred in the performance of their duties. The executive office of public safety and security, in consultation with the board, shall adopt operating rules and procedures for its organization and activities.

SECTION 51. Said chapter 140 is hereby further amended by striking out section 131¾, as so appearing, and inserting in place thereof the following section:-

Section 131¾. (a) The secretary of public safety and security shall, with the advice of the firearm control advisory board established in section 131½ compile and publish a roster of assault-style firearms banned under section 131M and a roster of firearms approved for sale and use in the commonwealth using the parameters set forth in section 123. The secretary shall, not less than 3 times annually, review, update, and publish the rosters online, and send a copy to all persons licensed in the commonwealth pursuant to section 122. Licensing authorities shall provide information on these rosters to all permit and card holders and licensees upon initial issuance and every renewal.

(b) The secretary, with the advice of the firearm control advisory board, shall also compile and publish a roster of firearms solely designed and sold for formal target shooting competitions or Olympic shooting competitions. The board shall, not less than biannually, review, update and publish these rosters and make them available for distribution.

(c) The secretary may amend any roster upon their own initiative. A person may petition the secretary to place a firearm on, or remove a firearm from, the roster, subject to the provisions of this section. A petition to amend a roster shall be submitted in writing to the secretary, in the form and manner prescribed by the secretary, and include reasons why the roster should be amended. Upon receipt of a petition to amend a roster, the secretary shall, within 45 days, either notify the petitioner that the petition is denied or modify the roster. An addition to the roster shall be effective on the date it is published online by the board.

SECTION 52. Section 131A of said chapter 140, as so appearing, is hereby amended by striking out, in line 10, the words “rifle or shotgun,”.

SECTION 53. Section 131B of said chapter 140, as so appearing, is hereby amended by striking out, in lines 2 and 7, the words “, rifle, shotgun or machine gun”.

SECTION 54. Section 131C of said chapter 140, as so

appearing, is hereby amended by inserting after the word “section”, in line 2, the following number: 129B.

SECTION 55. Said section 131C of said chapter 140, as so appearing, is hereby further amended by inserting after figure “131F”, in lines 2 and 7, the following words:- or through an exemption under section 129C.

SECTION 56. Said section 131C of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 6, 8 and 9, the words “rifle or shotgun”, each time they appear, and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 57. Said section 131C of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words “contained within the locked trunk of the vehicle or in a locked case or other secure container” and inserting in place thereof the following words:- secured in a locked container as defined in section 121.

SECTION 58. Said section 131C of said chapter 140, as so appearing, is hereby further amended by striking out, in line 19, the word “weapon” and inserting in place thereof the following word:- firearm.

SECTION 59. Section 131E of said chapter 140 is hereby repealed.

SECTION 60. Section 131F of said chapter 140, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 1 and 2, the words “, rifles or shotguns”.

SECTION 61. Said section 131F of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the words “alien that resides outside the commonwealth” and inserting in place thereof the following words:- a citizen or national of the United States or a person who maintains legal permanent residency.

SECTION 62. Said section 131F of said chapter 140, as so appearing, is hereby further amended by striking out, in line 9, the number “131” and inserting in place therefor the following number:- 121F.

SECTION 63. Said section 131F of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 18 to 21, inclusive the words “and a large capacity feeding device therefor may be carried if the person has been issued a license. The colonel may permit a licensee to possess a large capacity rifle or shotgun or both” and inserting in place thereof the following words:- “may be carried if the person has been issued a license”.

QUESTION 9: Full Text of Existing Law (continued)

SECTION 64. Section 131G of said chapter 140 is hereby repealed.

SECTION 65. Section 131H of said chapter 140 is hereby repealed.

SECTION 66. Section 131K of said chapter 140, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 1, 3, 11, 16, 28, 31, 32, 37, 40, 44 and 45, the word “weapon” and inserting in place thereof, in each instance, the word:- firearm.

SECTION 67. Section 131L of said chapter 140, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “, rifle or shotgun including, but not limited to, large capacity weapons, or machine gun”.

SECTION 68. Said section 131L of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 3, 6, 8, 10, 22, 39 and 41, the word “weapon”, each time it appears, and inserting in place thereof, in each instance, the word:- firearm.

SECTION 69. Said section 131L of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 14 and 22, each time they appear, the words “rifle or shotgun that is not a large capacity weapon” and inserting in place thereof, in each instance the following words:- that is not a large capacity firearm or machine gun.

SECTION 70. Said section 131L of said chapter 140, as so appearing, is hereby further amended by inserting after the word “capacity”, in line 17 the following words:- or semiautomatic.

SECTION 71. Said chapter 140 is hereby further amended by striking out section 131M, as so appearing, and inserting in place thereof the following section:-

Section 131M. (a) No person shall possess, own, offer for sale, sell or otherwise transfer in the commonwealth or import into the commonwealth an assault-style firearm, or a large capacity feeding device.

(b) Subsection (a) shall not apply to an assault-style firearm lawfully possessed within the commonwealth on August 1, 2024, by an owner in possession of a license to carry issued under section 131 or by a holder of a license to sell under section 122; provided, that the assault-style firearm shall be registered in accordance with section 121B and serialized in accordance with section 121C.

(c) Subsection (a) shall not apply to large capacity feeding devices lawfully possessed on September 13, 1994 only if such possession is: (i) on private property owned or legally controlled by the person in possession of the large

capacity feeding device; (ii) on private property that is not open to the public with the express permission of the property owner or the property owner’s authorized agent; (iii) while on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair; (iv) at a licensed firing range or sports shooting competition venue; or (v) while traveling to and from these locations; provided, that the large capacity feeding device is stored unloaded and secured in a locked container in accordance with sections 131C and 131L. A person authorized under this subsection 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.

(d) Whoever violates this section shall be punished, for a first offense, by a fine of not less than \$1,000 nor more than \$10,000 or by imprisonment for not less than 1 year nor more than 10 years, or by both such fine and imprisonment, and for a second offense, by a fine of not less than \$5,000 nor more than \$15,000 or by imprisonment for not less than 5 years nor more than 15 years, or by both such fine and imprisonment.

(e) This section shall not apply to transfer or possession by: (i) a qualified law enforcement officer or a qualified retired law enforcement officer, as defined in the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. sections 926B and 926C, respectively, as amended; (ii) a federal, state or local law enforcement agency; or (iii) a federally licensed manufacturer solely for sale or transfer in another state or for export.

SECTION 72. Section 131N of said chapter 140, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

No person shall knowingly possess, own, sell, offer for sale, transfer, manufacture, assemble, repair or import any firearm capable of discharging a bullet or shot that is a covert firearm or an undetectable firearm all as defined in section 121.

SECTION 73. Section 131O of said chapter 140, as so appearing, is hereby amended by striking out, in line 22, the word “weapons” and inserting in place thereof the following word:- firearms.

SECTION 74. Said chapter 140 is hereby further amended by striking out section 131P, as so appearing, and inserting in place thereof the following section:-

Section 131P. (a) Any person applying for the issuance of a license or card under sections 129B, 131 or 131F shall,

QUESTION 9: Full Text of Existing Law (continued)

in addition to the requirements set forth in this chapter, submit to the licensing authority a basic firearms safety certificate; provided, however, that a certificate issued under section 14 of chapter 131 evidencing satisfactory completion of a hunter education course shall serve as a valid substitute for a basic firearms safety certificate required under this section for the issuance of a firearm identification card pursuant to section 129B. Persons lawfully possessing a firearm identification card or license to carry firearms on August 1, 2024, shall be exempt from this section upon expiration of such card or license and when applying for renewal of such licensure as required under this chapter; provided, however, that persons possessing a firearms identification card or license to carry firearms prior to the implementation of live firearms trainings as required in this section shall also be exempt from such requirement. No application for the issuance of a firearm identification card or license to carry shall be accepted or processed by the licensing authority without such certificate attached thereto; provided, however, that this section shall not apply to: (i) any officer, agent or employee of the commonwealth or any state of the United States; (ii) any member of the military or other service of any state or of the United States; or (iii) any duly authorized law enforcement officer, agent or employee of any municipality of the commonwealth; provided, however, that any such person described in clauses (i) to (iii), inclusive, shall be authorized by a competent authority to carry or possess the firearm so carried or possessed and shall be acting within the scope of their duties.

(b)(i) The colonel of state police, in consultation with the municipal police training committee, shall promulgate rules and regulations governing the issuance and form of basic firearms safety certificates required pursuant to this section, including minimum requirements for course curriculum and the contents of any written examination. The colonel shall create a written examination and establish minimum requirements to pass said examination that shall be used in all firearm safety courses or programs mandated under this section.

(ii) The colonel shall certify certain persons as firearms safety instructors, certify safety course curriculum and annually update and post on the department of state police's website a list of approved instructors. Certification as a firearm safety instructor shall be valid for a period of 10 years, unless sooner revoked by reason of unsuitability, in the discretion of said colonel. Firearms safety instructors shall be any person certified by a nationally recognized organization that fosters safety in firearms, or any other

person in the discretion of said colonel, to be competent to give instruction in a basic firearms safety course. Applicants for certification as instructors under this section shall not be exempt from the requirements of this chapter or any other law or regulation of the commonwealth or the United States. Upon application to the colonel of state police, said colonel may, at their discretion, certify as a firearms safety instructor any person who operates a firearms safety course or program that provides in its curriculum: (A) the safe use, handling and storage of firearms; (B) methods for securing and childproofing firearms; (C) the applicable laws relating to the possession, transportation and storage of firearms; (D) knowledge of operation, potential dangers and basic competency in the ownership and use of firearms; (E) injury and suicide prevention and harm reduction education; (F) applicable laws relating to the use of force; (G) disengagement tactics; and (H) live firearms training.

(iii) The department of state police may impose a fee of \$50 for initial issuance of such certification to offset the cost of certifying instructors. The fee for certification renewal shall be \$10.

(c)(i) Any firearms safety instructor certified under this section may, in their discretion, issue a basic firearms safety certificate to any person who successfully completes the requirements of a basic firearms safety course approved by the colonel. No firearms safety instructor shall issue or cause to be issued any basic firearms safety certificate to any person who fails to meet minimum requirements of the prescribed course of study including, but not limited to, demonstrated competency in the use of firearms through class participation, satisfactory completion of the written examination as prescribed by the colonel and live firearms training.

(ii) Firearms safety instructors certified under this section shall forward to the department of criminal justice information services copies of basic firearms safety course certificates issued, which shall include a certification of each person's satisfactory completion of the basic firearms safety course and competency in the ownership and use of firearms. Upon receipt, the department of criminal justice information services shall forward a copy of such certificate to the applicant.

(iii) Licensing authorities shall require a copy of such certificate to be provided concurrently with an application for a license or permit and may make inquiry to the department of criminal justice information services to confirm the issuance to the applicant of a basic firearms

QUESTION 9: Full Text of Existing Law (continued)

safety certificate.

(d) Any person applying for issuance of a license or card under sections 129B, 131 or 131F, who knowingly files or submits a basic firearms safety certificate to a licensing authority which contains false information shall be punished by a fine of not less than \$1,000 nor more than \$5,000 or by imprisonment for not more than 2 years in a house of correction, or by both such fine and imprisonment.

(e) A firearms safety instructor who knowingly issues a basic firearms safety certificate to a person who has not successfully completed a firearms safety course approved by the colonel shall be punished by a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for not more than 2 years in a house of correction, or by both such fine and imprisonment.

(f) The colonel of state police shall produce and distribute public service announcements to encourage and educate the general public about: (i) safe storage and transportation of firearms as outlined in sections 131C and 131L; and (ii) the importance of firearms safety education and training, including information on places and classes that a person may attend to obtain firearms safety education and training.

(g) The executive office of public safety and security, in collaboration with the department of public health, shall develop educational materials on harm reduction that shall be discussed and distributed by the instructor to every participant in a firearms safety course pursuant to this section. The educational materials shall promote suicide prevention through safe practices by firearms' owners to reduce access to lethal means. The materials shall include, but not be limited to, information relative to: (i) the prevalence of suicide by firearm compared to other forms of firearms' violence, including demographic trends; (ii) the risks of injury and suicide that may be associated with household firearms, including the rate of survival for suicide attempts by firearms compared to other means of attempted suicide; (iii) best practices for identifying and reducing the risk of suicide involving household firearms; (iv) available resources to learn more about safe practices and suicide prevention; and (v) such additional information as determined by the commissioner of public safety and security to be relevant to this section.

SECTION 75. Said chapter 140 is hereby further amended by striking out section 131Q, as so appearing, and inserting in place thereof the following section:-

Section 131Q. (a) A firearm used to carry out a criminal

act including the commission of a suicide shall be traced by the licensing authority for the city or town in which the crime took place or the law enforcement agency taking possession of the firearm. Said authority or agency shall report all available statistical data to the department of criminal justice information services. This statistical data shall include, but not be limited to: (i) the make, model, serial number and caliber of the firearm used; (ii) the type of crime committed; (iii) whether an arrest or conviction was made; (iv) whether fingerprint evidence was found on the firearm; (v) whether ballistic evidence was retrieved from the crime scene; (vi) whether the criminal use of the firearm was related to known gang activity; (vii) whether the firearm was obtained illegally; (viii) whether the firearm was lost or stolen; and (ix) whether the person using the firearm was otherwise a prohibited person.

(b) The department of criminal justice information services shall ensure that data reported pursuant to this section is automatically transmitted into the federal electronic system maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice and to the commonwealth fusion center or the criminal firearms and trafficking unit within the division of investigation and intelligence in the department of state police established pursuant to section 6 of chapter 22C. The colonel of state police shall produce an annual report no later than December 31 of each year regarding crimes committed in the commonwealth using firearms, including all of the categories of data contained in this section, and shall submit a copy of the report to the joint committee on public safety and homeland security, the clerks of the house of representatives and the senate and, upon request, to criminology, public policy and public health researchers and other law enforcement agencies.

(c) A cartridge casing associated with a firearm reported for tracing under subsection (a) shall be submitted for inclusion in the National Integrated Ballistics Information Network maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice.

SECTION 76. Section 131R of said chapter 140, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "holding a license to carry firearms or a firearm identification card".

SECTION 77. Said section 131R of said chapter 140, as so appearing, is hereby further amended by striking out, in line 11, each time it appears, the words ", rifle, shotgun, machine gun, weapon".

QUESTION 9: Full Text of Existing Law (continued)

SECTION 77A. Said section 131R of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 12 and 13, the words “, rifles, shotguns, machine guns, weapons”.

SECTION 78. Said section 131R of said chapter 140, as so appearing, is hereby further amended by striking out, in line 40, the words “the provisions of”.

SECTION 79. Said chapter 140 is hereby further amended by striking out section 131S, as so appearing, and inserting in place thereof the following section:-

Section 131S. (a) The court shall, within 10 days of receipt of a petition pursuant to section 131R, conduct a hearing on the petition. Upon receipt of the petition, the court shall issue a summons with the date, time and location of the hearing. The court shall direct a law enforcement officer to personally serve a copy of the petition and the summons on the respondent or, if personal service by a law enforcement officer is not possible, the court may, after a hearing, order that service be made by some other identified means reasonably calculated to reach the respondent. Service shall be made not less than 7 days prior to the hearing.

(b) Notwithstanding subsection (a), the court shall, within 2 days of receipt of a petition made pursuant to section 131R, conduct a hearing on the petition if the respondent files an affidavit that a firearm or ammunition is required in the performance of the respondent's employment.

(c)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court finds by a preponderance of the evidence that the respondent poses a risk of causing bodily injury to self or others by having in the respondent's control, ownership or possession a firearm or ammunition, the court shall grant the petition. If the respondent does not appear at the hearing pursuant to subsection (a) or subsection (b), the court shall grant the petition upon a determination that the petitioner has demonstrated by a preponderance of the evidence that the respondent poses such a risk.

(2) Upon granting a petition, the court shall issue an extreme risk protection order and shall order the respondent to surrender any licenses to carry firearms, firearms identification cards and all firearms and ammunition that the respondent then controls, owns or possesses to the licensing authority of the municipality where the respondent resides. The court shall enter written findings as to the basis of its order within 24 hours of granting the order. The court may modify, suspend or terminate its order at any subsequent time upon motion

by either party; provided, however, that due notice shall be given to the respondent and petitioner, and the court shall hold a hearing on said motion. When the petitioner's address is confidential to the respondent as provided in subsection (d) of section 131R and the respondent has filed a motion to modify the court's order, the court shall be responsible for notifying the petitioner. In no event shall the court disclose any such confidential address.

(3) Not less than 30 calendar days prior to the expiration of an extreme risk protection order, the court shall notify the petitioner at the best-known address of the scheduled expiration of the order and that the petitioner may file a petition to renew the order pursuant to section 131R.

(d)(1) If after the hearing pursuant to subsection (a) or subsection (b), the court has probable cause to believe that the respondent has access to a firearm or ammunition, on their person or in an identified place, and the respondent fails to surrender any firearms or ammunition within 24 hours of being served pursuant to subsection (e), the court shall issue a warrant identifying the property, naming or describing the person or place to be searched, and commanding the appropriate law enforcement agency to search the person of the respondent and any identified place and seize any firearm or ammunition found to which the respondent would have access.

(2) The court may issue additional warrants to seize firearms or ammunition if the court determines there is probable cause to believe that the respondent has retained, acquired or gained access to a firearm or ammunition while an order under this section remains in effect.

(3) Upon executing a warrant issued pursuant to this subsection or section 131T, the law enforcement agency conducting the search shall issue a receipt identifying any firearm or ammunition seized. The law enforcement agency shall provide a copy of the receipt to the respondent. The licensing authority shall then, within 48 hours of the search, return the warrant to the court with the original receipt. If the law enforcement agency executing the warrant and the licensing authority for the municipality where the respondent resides are different, the law enforcement agency shall remit to the licensing authority a copy of the receipt along with any seized items, and shall file with its warrant and receipt a certification signed by both the law enforcement agency and the licensing authority that the seized items were delivered to and accepted by the licensing authority. The licensing authority shall store the seized items with any items surrendered in accordance with subsection (f).

QUESTION 9: Full Text of Existing Law (continued)

(e) Upon issuing an extreme risk protection order the clerk-magistrate of the court shall transmit 2 certified copies of the order and 1 copy of the petition and summons forthwith to the licensing authority of the municipality where the respondent resides which, unless otherwise ordered by the court, shall serve a copy of the order and petition upon the respondent. If a warrant has been issued pursuant to subsection (d) or pursuant to subsection (b) of section 131T, the court shall submit 2 certified copies of the warrant, 1 copy of the petition and summons and 1 copy of the extreme risk protection order to the appropriate law enforcement agency for execution. Licensing authorities and law enforcement agencies shall establish adequate procedures to ensure that, when effecting service upon a respondent or executing a warrant, a law enforcement officer shall, to the extent practicable: (i) fully inform the respondent of the contents and terms of the order or warrant and the available penalties for any violation of an order; and (ii) provide the respondent with informational resources, including, but not limited to, a list of services relating to crisis intervention, mental health, substance use disorders and counseling, and a list of interpreters, as necessary, located within or near the court's jurisdiction. The chief justice of the trial court, in consultation with the executive office of public safety and security, and the department of mental health, shall annually update the informational resource guides required under this section.

Each extreme risk protection order issued by the court shall contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

(f) Upon receipt of service of an extreme risk protection order, the licensing authority of the municipality where the respondent resides shall immediately suspend the respondent's license to carry firearms or a firearm identification card and immediately notify the respondent of said suspension and shall not issue any license to carry or firearm identification card to the respondent for the duration of the order.

Upon receipt of service of an extreme risk protection order the respondent shall immediately surrender their license to carry firearms or a firearm identification card and all firearms or ammunition in their control, ownership or possession to the local licensing authority serving the order, in accordance with section 129D; provided, however, that nothing in this section or in section 129D shall allow the respondent to: (i) transfer any firearms or ammunition required to be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer or the local licensing authority; or (ii) maintain control,

ownership or possession of any firearms or ammunition during the pendency of any appeal of an extreme risk protection order; provided, however, that while the surrender of ownership pursuant to an extreme risk protection order shall require the immediate surrender of any license to carry firearms or a firearm identification card and all firearms or ammunition in the respondent's control or possession, it shall not require the surrender of permanent ownership rights; and provided further that, notwithstanding section 129D, if the licensing authority cannot reasonably ascertain a lawful owner of firearms or ammunition surrendered pursuant to extreme risk protection order within 180 days of the expiration or termination of the extreme risk protection order, the licensing authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms or ammunition to properly licensed distributors or firearms dealers and the proceeds of such sale or transfer shall be remitted or credited to the municipality in which the licensing authority presides to be used for violence reduction or suicide prevention. A violation of this subsection shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2½ years in a house of correction or by both such fine and imprisonment.

(g) Upon receipt of a license to carry firearms or a firearm identification card and any firearms or ammunition surrendered by a respondent pursuant to subsection (f) or seized pursuant to subsection (d), the licensing authority taking possession of the license to carry firearms or a firearm identification card and firearms or ammunition shall issue a receipt identifying any license to carry firearms or a firearm identification card and all firearms or ammunition surrendered or seized and shall provide a copy of the receipt to the respondent. The licensing authority shall, within 48 hours of the surrender or 48 hours of receipt of the seizure, file the receipt with the court.

(h) If a person other than the respondent claims title to any firearms or ammunition required to be surrendered or seized pursuant to this section, and is determined by the licensing authority to be the lawful owner of the firearms or ammunition, the firearms or ammunition shall be returned to the person; provided, however, that: (i) the firearms or ammunition shall be removed from the respondent's control, ownership or possession and the lawful owner agrees to store the firearms or ammunition in a manner such that the respondent does not have access to, or control of, the firearms or ammunition; and (ii) the firearms or ammunition shall not be otherwise unlawfully possessed by the owner. A violation of this subsection

QUESTION 9: Full Text of Existing Law (continued)

shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2½ years in a house of correction or by both such fine and imprisonment.

(i) Upon the expiration or termination of an extreme risk protection order, a licensing authority holding any firearms ammunition that have been surrendered or seized pursuant to this section shall return any license to carry firearms or firearm identification card and all firearms or ammunition requested by a respondent only after the licensing authority of the municipality in which the respondent resides confirms that the respondent is suitable for a license to carry firearms or a firearm identification card and to control, own or possess firearms or ammunition under federal and state law.

Not less than 7 days prior to expiration of an extreme risk protection order, a licensing authority holding any firearms or ammunition that have been surrendered or seized pursuant to this section shall notify the petitioner of the expiration of the extreme risk protection order and the return of a license to carry firearms or firearm identification card and the return of any firearms or ammunition to the respondent.

As soon as reasonably practicable after receiving notice of the termination of an extreme risk protection order by the court, a licensing authority holding any firearms or ammunition that have been surrendered or seized pursuant to this section shall notify the petitioner of the termination of the extreme risk protection order and the return of a license to carry firearms or firearm identification card and the return of any firearms or ammunition to the respondent.

(j) A respondent who has surrendered a license to carry firearms or firearm identification card and all firearms or ammunition to a licensing authority, or who had any firearms or ammunition seized by a law enforcement agency, and who does not wish to have the license to carry firearms or firearm identification card or firearms or ammunition returned or who is no longer eligible to control, own or possess firearms or ammunition pursuant to this chapter or federal law, may sell or transfer title of the firearms or ammunition to a licensed firearms dealer, notwithstanding the limits on private firearm transfers in section 127B; provided, however, that the respondent shall not take physical possession of the firearms or ammunition. The licensing authority may transfer possession of the firearms or ammunition to a licensed dealer upon the dealer providing the licensing authority with written proof of the sale or transfer of title of the firearms or ammunition from the respondent to the dealer.

(k) If the licensing authority cannot reasonably ascertain the lawful owner of any firearms or ammunition surrendered or seized pursuant to this section within 180 days of the expiration or termination of the order to surrender the firearms or ammunition the licensing authority may dispose of the firearms or ammunition pursuant to section 129D.

SECTION 80. Said chapter 140 is hereby further amended by striking out section 131T, as so appearing, and inserting in place thereof the following section:-

Section 131T. (a)(1) Upon the filing of a petition pursuant to section 131R, the court may issue an emergency extreme risk protection order without notice to the respondent and prior to the hearing required pursuant to subsection (a) of section 131S if the court finds reasonable cause to conclude that the respondent poses a risk of causing bodily injury to the respondent's self or others by being in possession of a license to carry firearms or a firearm identification card or having in the respondent's control, ownership or possession a firearm or ammunition. Upon issuance of an emergency extreme risk protection order pursuant to this section, the clerk magistrate of the court shall notify the respondent pursuant to subsection (e) of section 131S. An order issued under this subsection shall expire 10 days after its issuance unless a hearing is scheduled pursuant to subsection (a) or (b) of said section 131S or at the conclusion of a hearing held pursuant to said subsection (a) or (b) of said section 131S unless a permanent order is issued by the court pursuant to paragraph (2) of subsection (c) of said section 131S.

(2) Upon receipt of service of an extreme risk protection order pursuant to this section, the respondent shall immediately surrender the respondent's license to carry firearms or firearm identification card and all firearms or ammunition to the local licensing authority serving the order as provided in subsection (f) of section 131S.

(b)(1) If the court has probable cause to believe that the respondent has access to a firearm or ammunition, on their person or in an identified place, and the respondent fails to surrender any firearms or ammunition within 24 hours of being served pursuant to subsection (e) of section 131S, the court shall issue a warrant identifying the property, naming or describing the person or place to be searched, and commanding the appropriate law enforcement agency to search the person of the respondent and any identified place and seize any firearm or ammunition found to which the respondent would have access.

(2) The law enforcement agency shall conduct its search

QUESTION 9: Full Text of Existing Law (continued)

and manage any seized property pursuant to paragraph (3) of subsection (d) of section 131S.

(c) When the court is closed for business, a justice of the court may grant an emergency extreme risk protection order if the court finds reasonable cause to conclude that the respondent poses a risk of causing bodily injury to the respondent's self or others by being in possession of a license to carry firearms or firearm identification card or by having in the respondent's control, ownership or possession of a firearm or ammunition, and shall issue a warrant pursuant to subsection (b) upon probable cause that the respondent has access to a firearm or ammunition, on their person or in an identified place, and the respondent fails to surrender any firearms or ammunition within 24 hours of being served pursuant to subsection (e) of section 131S. In the discretion of the justice, such relief may be granted and communicated by telephone to the licensing authority of the municipality where the respondent resides, which shall record such order or warrant on a form of order or warrant promulgated for such use by the chief justice of the trial court and shall deliver a copy of such order or warrant on the next court business day to the clerk-magistrate of the court. If relief has been granted without the filing of a petition pursuant to section 131R, the potential petitioner shall appear in court on the next available court business day to file a petition. An order or warrant issued under this subsection shall expire at the conclusion of the next court business day after issuance unless said potential petitioner has filed a petition with the court pursuant to section 131R and the court has issued an emergency extreme risk protection order pursuant to subsection (a).

SECTION 81. Section 131X of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 2 and 3, and 4 and 5, each time they appear, the words “, rifles, shotguns, machine guns, weapons”.

SECTION 82. Said section 131X of said chapter 140, as so appearing, is hereby amended by inserting after the word “license”, in line 8, the following words:- to carry firearms or a firearm identification card.

SECTION 83. Said section 131X of said chapter 140, as so appearing, is hereby further amended by striking out, in line 12, the words “family or household member” and inserting in place thereof the following word:- “petitioner”.

SECTION 84. Said section 131X of said chapter 140, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following 4 subsections:-

(d) Notwithstanding any general or special law, rule or regulation to the contrary, any health care provider duly authorized as a petitioner, upon filing an application or renewal for an extreme risk protection order, may disclose protected health information of the respondent only to the extent necessary for the full investigation and disposition of such application or renewal for an extreme risk protection order. When disclosing protected health information, a health care provider shall make reasonable efforts to limit protected health information to the extent necessary to accomplish the filing of the application or renewal.

(e) Upon receipt of a petition by any health care provider and for good cause shown, the court may issue orders as may be necessary to obtain any clinical records or any other records or documents relating to diagnosis, prognosis or treatment of the respondent as are necessary for the full investigation and disposition of an application for an extreme risk protection order under this section. All such records and other health information provided shall be sealed by the court.

(f) The decision of any health care provider to disclose or not to disclose clinical records or other records or documents relating to the diagnosis, prognosis or treatment of a patient pursuant to this subsection, when made reasonably and in good faith, shall not be the basis for any civil or criminal liability with respect to such health care provider; provided, however, that any health care provider duly authorized as a petitioner shall not be subject to civil or criminal liability for failure to petition the court for the issuance or renewal of an extreme risk protection order.

(g) The supreme judicial court and the appeals court shall have concurrent jurisdiction to review any proceedings held, determinations made, and orders or judgments entered in the court pursuant to section 131S or section 131T. The supreme judicial court or the appeals court, subject to section 13 of chapter 211A, may by rule vary the procedure authorized or required for such review upon a finding that the review by the court will thereby be made more simple, speedy and effective.

SECTION 85. Section 131Y of said chapter 140, as so appearing, is hereby amended by striking out clauses (7) to (12), inclusive, and inserting in place thereof the following 10 clauses:-

(7) the number of warrants issued pursuant to subsection (d) of section 131S or section 131T;

(8) the number of warrants issued pursuant to subsection

QUESTION 9: Full Text of Existing Law (continued)

(d) or section 131S or section 131T that lead to the seizure of firearms or ammunition;

(9) a breakdown of the types of items surrendered, including but not limited to, license to carry or firearm identification card, firearm or ammunition;

(10) a breakdown of the types of items seized, including, but not limited to, firearms or ammunition;

(11) the number of extreme risk protective order or emergency extreme risk protective order petitions filed that are deemed to be fraudulent;

(12) the number of instances in which a petition was found to be fraudulent and the penalties received in each instance;

(13) the race and ethnicity of the petitioner and respondent;

(14) the gender and gender identity of the petitioner and respondent;

(15) the data on the duration of extreme risk protection orders; and

(16) the number of instances in which an order has been terminated or otherwise modified prior to its original expiration date.

SECTION 86. Section 3B of chapter 209A of the General Laws, as so appearing, is hereby amended by striking out, in lines 6 and 7 and 20 and 21, each time it appears, the words “, rifles, shotguns, machine guns”.

SECTION 87. Said section 3B of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 13, the word “weapon” and inserting in place thereof the following word:- firearm.

SECTION 88. Said section 3B of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 15 the word “weapons” and inserting in place thereof the following word:- firearms.

SECTION 88A. Said section 3B of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 37, the words “, rifle, shotgun, machine gun”.

SECTION 89. Section 3C of said chapter 209A, as so appearing, is hereby amended by striking out, in lines 6 and 9, each time they appear, the words “, rifles, shotguns, machine guns”.

SECTION 90. Said section 3C of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 13, the word “weapon” and inserting in place thereof the following word:- firearm.

SECTION 91. Said section 3C of said chapter 209A, as so appearing, is hereby further amended by striking out, in line 17, the word “weapons” and inserting in place thereof the following word:- firearms.

SECTION 92. Chapter 258E of the General Laws is hereby amended by inserting after section 4 the following 3 sections:-

Section 4A. Upon issuance of a temporary or emergency order under sections 5 or 6, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of harassment, order the immediate suspension and surrender of any license to carry or firearm identification card that the defendant may hold and order the defendant to surrender all firearms and ammunition that the defendant then controls, owns or possesses in accordance with the provisions of this chapter and chapter 140. Any license to carry or firearm identification card that the defendant may hold shall be surrendered to the appropriate law enforcement official in accordance with the provisions of this chapter and chapter 140 and said law enforcement official may store, transfer or otherwise dispose of any such firearms or ammunition in accordance with the provisions of section 129D of said chapter 140; provided, however, that nothing herein shall authorize the transfer of any firearms or ammunition surrendered by the defendant to anyone other than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the copy of the harassment prevention order served on the defendant pursuant to section 9. Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms and ammunition, and any license to carry or firearm identification card in the control or possession of said defendant. Any violation of such orders shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and imprisonment.

Any defendant aggrieved by an order of surrender or suspension under this section may petition the court that issued such suspension or surrender order for a review of such action and such petition shall be heard not later than 10 court business days after the receipt of the notice of the petition by the court. If said license to carry or firearm identification card has been suspended upon the issuance of an order issued pursuant to sections 5 or 6, said petition may be heard contemporaneously with the hearing under the second sentence of the second paragraph of section 5. Upon the filing of an affidavit by the defendant that a firearm or ammunition is required in the performance of

QUESTION 9: Full Text of Existing Law (continued)

the defendant's employment and, upon a request for an expedited hearing, the court shall order said hearing within 2 business days of receipt of such affidavit and request but only on the issue of surrender and suspension pursuant to this section.

Section 4B. Upon the continuation or modification of an order issued pursuant to section 5 or upon petition for review as described in section 4A, the court shall also order or continue to order the immediate suspension and surrender of a defendant's license to carry or firearm identification card and the surrender of all firearms and ammunition that such defendant then controls, owns or possesses if the court makes a determination that the return of such license to carry or firearm identification card or firearms and ammunition to the defendant presents a likelihood of harassment to the plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long as the harassment prevention order to which it relates is in effect and any law enforcement official to whom such firearm or ammunition is surrendered may store, transfer or otherwise dispose of any such firearm or ammunition in accordance with the provisions of section 129D of chapter 140; provided, however, that nothing herein shall authorize the transfer of any firearms or ammunition surrendered by the defendant to anyone other than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and imprisonment.

Section 4C. Upon an order for suspension or surrender issued pursuant to sections 4A or 4B, the court shall transmit a report containing the defendant's name and identifying information and a statement describing the defendant's alleged conduct and relationship to the plaintiff to the department of criminal justice information services. Upon the expiration, cancellation or revocation of the order, the court shall transmit a report containing the defendant's name and identifying information, a statement describing the defendant's alleged conduct and relationship to the plaintiff and an explanation that the order is no longer current or valid to the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System or any successor system maintained for the purpose of conducting background checks for firearms sales or licensing.

SECTION 93. Section 15E of chapter 265 of the General

Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun”.

SECTION 94. Section 15F of said chapter 265, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “, large capacity weapon, rifle, shotgun, sawed-off shotgun or machine gun”.

SECTION 95. Section 17 of said chapter 265, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words “shotgun, rifle, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 96. Said section 17 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 13 and 14, the words “, shotgun, rifle, machine gun or assault weapon”.

SECTION 97. Section 18 of said chapter 265, as so appearing, is hereby amended by striking out, in lines 5 and 6 and line 30, the words “shotgun, rifle, machine gun or assault weapon” and inserting in place thereof, in each instance, the following words:- as defined in section 121 of chapter 140,.

SECTION 98. Section 18A of said chapter 265, as so appearing, is hereby amended by striking out, in line 8, the words “shotgun, rifle or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 99. Section 18B of said chapter 265, as so appearing, is hereby amended by striking out, in line 4, the words “rifle or shotgun” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 100. Said section 18B of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 6 and 7, 18 and 19 and line 21, each time they appear, the words “, rifle or shotgun”.

SECTION 101. Said section 18B of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 7 and 22, each time it appears, the word “weapon” and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 102. Said section 18B of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 14 and 15, the words “, rifle or shotgun including, but not limited to, a large capacity weapon or machine gun”.

SECTION 103. Section 21A of said chapter 265, as so

QUESTION 9: Full Text of Existing Law (continued)

appearing, is hereby amended by striking out, in lines 14 and 15, the words “rifle, shotgun, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 104. Section 22 of said chapter 265, as so appearing, is hereby amended by striking out, in lines 28 and 29, the words “rifle, shotgun, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 105. Section 24 of said chapter 265, as so appearing, is hereby amended by striking out, in line 8, the words “rifle, shotgun, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 106. Section 24B of said chapter 265, as so appearing, is hereby amended by striking out, in line 9, the words “rifle, shotgun, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 107. Section 26 of said chapter 265, as so appearing, is hereby amended by striking out, in line 16, the words “rifle, shotgun, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 108. Said section 26 of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 22 and 23, the words “, rifle, shotgun, machine gun or assault weapon”.

SECTION 109. Section 39 of said chapter 265, as so appearing, is hereby amended by striking out, in line 22, the words “rifle, shotgun, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 110. Section 58 of said chapter 265, as so appearing, is hereby amended by striking out, in line 2, the word “weapon” and inserting in place thereof the following word:- firearm.

SECTION 111. Section 14 of chapter 266 of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the words “rifle, shotgun, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 112. Section 17 of said chapter 266, as so appearing, is hereby amended by striking out, in line 7, the words “rifle, shotgun, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 113. Section 18 of said chapter 266, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “rifle, shotgun, machine gun or assault weapon” and inserting in place thereof the following words:- as defined in section 121 of chapter 140,.

SECTION 114. Section 10 of chapter 269 of the General Laws, as so appearing, is hereby amended by inserting, in line 28, after the words “possession of” the following words: not semiautomatic.

SECTION 115. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 101, the words “as defined in” and inserting in place thereof the following words:- automatic part, bump stock, rapid-fire trigger activator or trigger modifier, as those terms are defined in.

SECTION 116. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 134, the words “, any rifle or shotgun” and inserting in place thereof the following words:- any firearm.

SECTION 117. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 135 to 137, inclusive, the words “the requirement of a serial number, as provided in section one hundred and twenty-nine B of chapter one hundred and forty” and inserting in place thereof the following words:- the registration requirement, as provided in section 121B of chapter 140.

SECTION 118. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 140 and 141, line 150 and lines 151 and 152, each time they appear, the words “, rifle, shotgun”.

[Editors Note: There is no SECTION 119]

SECTION 120. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 158, the words “or machine guns”.

SECTION 121. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 162, the words “, rifle, shotgun or machine gun”.

SECTION 122. Said section 10 of said section 269, as so appearing, is hereby further amended by striking out, in line 170, the words “law enforcement officer” and inserting in place thereof the following words:- qualified law enforcement officer or a qualified retired law enforcement officer, as defined in the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. sections 926B and 926C, respectively, as amended.

QUESTION 9: Full Text of Existing Law (continued)

SECTION 123. Said section 10 of said section 269, as so appearing, is hereby further amended by inserting after the word “university”, in line 174, the following words “, including transport used for students of said institution,.

SECTION 124. Said section 10 of said section 269, as so appearing, is hereby further amended by inserting after subsection (j) the following subsection:

(k)(1) Whoever possesses a firearm, loaded or unloaded, as defined in section 121 of chapter 140, in a prohibited area, and knows or reasonably should know such location is a prohibited area, shall be punished by a fine of not more than \$1,000 or by imprisonment in the house of correction for not more than 2 ½ years, or both such fine and imprisonment.

(2) For the purposes of this subsection, “prohibited area” shall mean any of the following locations:

(i) a place owned, leased, or under the control of state, county or municipal government and used for the purpose of government administration, judicial or court administrative proceedings, or correctional services, including in or upon any part of the buildings, grounds, or parking areas thereof; provided, however, that a “prohibited area” shall not include any state-owned public land available to the public for hunting and provided further that a municipality may vote pursuant to section 4 of chapter 4 to exclude its administrative buildings from being a “prohibited area”; or

(ii) a location in use at the time of possession for the storage or tabulation of ballots during the hours in which voting or tabulation is occurring or a polling place or early voting site while open for voting or within 150 feet of the building entrance door to such polling place or early voting site.

(3) A law enforcement officer may arrest without a warrant and detain a person found in violation of this subsection.

(4) It shall be a defense to a violation of this subsection that a person with the necessary license or card issued under sections 129B, 131 or 131F of chapter 140 to possess the firearm securely stored said firearm in a vehicle while within the prohibited area in accordance with sections 131C and 131L of chapter 140.

(5) This subsection shall not apply to a qualified law enforcement officer or a qualified retired law enforcement officer, as defined in the Law Enforcement Officers Safety Act of 2004, 18 U.S.C. sections 926B and 926C, respectively, as amended or to a security guard employed at the prohibited area while at the location of their

employment and during the course of their employment. Nothing in this paragraph shall limit the authority of any municipality, county or department, division, commission, board, agency or court of the commonwealth to adopt policies further restricting the possession of firearms in areas under their control.

SECTION 125. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 196 and 226, the word “weapon” and inserting in place thereof, in each instance, the following word:- firearm.

SECTION 126. Said section 10 of said chapter 269, as so appearing, is hereby further amended by striking out, in line 240, the words “, loaded sawed off shotgun or loaded machine gun”.

SECTION 127. Subsection (o) of said section 10 of said chapter 269, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

For purposes of this section, the terms “ammunition” and “firearm” shall have the same meaning as those terms are defined in section 121 of chapter 140.

SECTION 128. Section 10A of said chapter 269, as so appearing, is hereby amended by striking out, in line 11, the words “firearm shall” and inserting in place thereof the following words:- firearm, including any combination of parts designed or redesigned and intended for use in assembling or fabricating any such instrument, attachment, weapon or appliance and any part intended only for use in such assembly or fabrication, shall.

SECTION 129. Said section 10A of said chapter 269, as so appearing, is hereby further amended by striking out, in line 16, the words “or appliance” and inserting in place thereof the following words:- , appliance or parts.

SECTION 130. Section 10E of said chapter 269 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “rifles, shotguns, machines guns, or any combination thereof,” and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 131. Said section 10E of said chapter 269, as so appearing, is hereby further amended by striking out, in lines 5 and 6, the words “, rifles, shotguns, machines guns, or any combination thereof”.

SECTION 132. Section 10F of said chapter 269, as so appearing, is hereby amended by striking out, in lines 3 and 31, each time it appears, the word “weapon” and inserting in place thereof, in each instance, the following

QUESTION 9: Full Text of Existing Law (continued)

word:- firearm.

SECTION 133. Section 10H of said chapter 269, as so appearing, is hereby amended by inserting after the figure “140,” in line 4, the following words:- while with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater, or.

SECTION 134. Said chapter 269 is hereby further amended by striking out section 10I, as so appearing, and inserting in place thereof the following section:-

Section 10I. (a) Whoever transports a firearm, as defined in section 121 of chapter 140, into the commonwealth to use the firearm for the commission of criminal activity shall be punished by imprisonment for not less than 5 years nor more than 10 years.

(b) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or transfer possession of the firearm to a prohibited person, as defined in section 121F of chapter 140, shall be punished by imprisonment in state prison for not less than 10 years nor more than 20 years.

(c) Whoever transports a firearm into the commonwealth to unlawfully distribute, sell or transfer the firearm to a prohibited person, as defined in section 121F of chapter 140, and if the firearm is subsequently used to cause the death of another, shall be punished by imprisonment in state prison for not less than 20 years.

SECTION 135. Section 10K of said chapter 269, as so appearing, is hereby amended by striking out, in lines 9 and 10, lines 15 and 16, and line 19, the words “, rifle, shotgun, machine gun or ammunition” and inserting in place thereof, in each instance, the following words:- or ammunition, as defined in section 121 of chapter 140.

SECTION 136. Said chapter 269 is hereby amended by striking out section 11A, as so appearing, and inserting in place thereof the following section:-

Section 11A. For the purposes of sections 11A to 11C, inclusive, the terms “firearm”, “serial number” and “untraceable firearm” shall have the same definitions as section 121 of chapter 140.

SECTION 137. Section 11B of said chapter 269, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

Whoever, while in the commission or attempted commission of a felony, has in their possession or under their control an untraceable firearm, shall be punished by imprisonment for not less than 2 ½ years.

SECTION 138. Said chapter 269 is hereby amended by striking out section 11C, as so appearing, and inserting in place thereof the following section:-

Section 11C. Whoever, by themselves or with another, knowingly manufactures, assembles, imports, sells or transfers ownership of an untraceable firearm, or knowingly participates in the manufacture, assembly, import, sale or transfer of an untraceable firearm or purchases or receives a firearm with knowledge that it is untraceable, shall be punished by imprisonment for not less than 12 months and not more than 2½ years. Possession or control of a firearm that is untraceable shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge that the firearm was untraceable, or by evidence that they had no guilty knowledge thereof. Upon a conviction of a violation of this section said firearm shall be forwarded, by the authority of the written order of the court, to the colonel of the state police, who shall cause said firearm or to be destroyed.

SECTION 139. Section 11E of said chapter 269, as so appearing, is hereby repealed.

SECTION 140. Section 12D of said chapter 269, as so appearing, is hereby amended by striking out, in line 30, the word “weapon” and inserting in place thereof the following word:- firearm.

SECTION 141. Said chapter 269 is hereby further amended by striking out section 12E, as so appearing, and inserting in place thereof the following section:-

Section 12E. (a) Whoever discharges a firearm as defined in section 121 of chapter 140 within 500 feet of a dwelling or other building in use, except with the consent of the owner or legal occupant thereof, shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in a jail or house of correction for not more than 3 months, or both such fine and imprisonment.

(b) This section shall not apply to any of the following: (i) the lawful defense of life and property; (ii) any law enforcement officer acting in the discharge of their duties; or (iii) the discharge of blank cartridges for theatrical, athletic, ceremonial, firing squad or other purposes in accordance with section 39 of chapter 148.

(c) This section shall not apply to a dwelling or building on the same property as: (i) persons using underground or indoor target or test ranges with the consent of the

QUESTION 9: Full Text of Existing Law (continued)

owner or legal occupant thereof; (ii) persons using outdoor skeet, trap, target or test ranges with the consent of the owner or legal occupant of the land on which the range is established; or (iii) persons using shooting galleries, licensed and defined under the provisions of section 56A of chapter 140. Nothing in this section shall exempt any person from compliance with noise control laws, regulations, ordinances or by-laws in effect or from the prohibitions of section 58 of chapter 131.

SECTION 142. Section 12F of said chapter 269, as so appearing, is hereby amended by striking out, in lines 11 and 12, the words “as defined in section 131J of chapter 140, any rifle, shotgun”.

SECTION 143. Said chapter 269 is hereby further amended by inserting after section 12F the following section:-

Section 12G. Whoever by intentional or reckless discharge of a firearm, as defined in section 121 of chapter 140, strikes a dwelling or other building in use shall be punished by imprisonment in the house of correction for not more than 2 ½ years or in state prison for not more than 5 years or by a fine of not more than \$10,000, or both such imprisonment and fine. This section shall not apply to persons acting in the lawful defense of life or property or any law enforcement officer acting in the discharge of their duties. This section shall not apply for dwellings or buildings within the property of: (a) persons using underground or indoor target or test ranges with the consent of the owner or legal occupant thereof; (b) persons using outdoor skeet, trap, target or test ranges with the consent of the owner or legal occupant of the land on which the range is established; or (c) persons using shooting galleries, licensed and defined in section 56A of chapter 140. Nothing in this section shall exempt any persons from compliance with noise control laws, ordinances or by-laws in effect or from the prohibitions of section 58 of chapter 131.

SECTION 144. Section 14 of said chapter 269, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 15, the words “rifle, shotgun, machine gun or assault weapon,”.

SECTION 145. Section 58A of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words “weapon or machine gun” and inserting in place thereof the following word:- firearm.

SECTION 146. Said section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in line 28, the word “weapon” and inserting in place thereof

the following word:- firearm.

SECTION 147. Section 25 of chapter 279 of the General Laws, as so appearing, is hereby amended by striking out, in lines 17 and 18, the words “, shotgun, rifle, machine gun, or assault weapon,” and inserting in place thereof the following words:- as defined in section 121 of chapter 140.

SECTION 148. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Microstamp”, a microscopic array of characters identifying the make, model, or serial number of a firearm, etched or otherwise imprinted in 2 or more places on the interior surface or the internal working parts of the firearm, that are transferred by imprinting on each cartridge case when the firearm is fired.

“Personalized firearm”, a firearm manufactured with incorporated design technology or converted with such technology so that it: (i) allows the firearm to be fired only by an authorized user; or (ii) prevents any of the safety characteristics of the firearm from being readily deactivated.

(b) There is hereby established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to study and investigate emerging firearm technology.

(c) The special legislative commission shall consist of 13 members: the chairs of the joint committee on the judiciary or their designees, who shall serve as co-chairs; the secretary of public safety and security or a designee; the colonel of the state police or a designee; 2 members appointed by the speaker of the house of representatives; 2 members appointed by the president of the senate; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of the senate; 1 member appointed by the governor, who shall be an expert in emerging firearm technologies; the attorney general or a designee and 1 member appointed by the National Shooting Sports Foundation, Inc.

(d) The special legislative commission shall investigate and study the status, feasibility, and utility of emerging firearm technologies, including, but not limited to, personalized firearm technology and microstamp technology. The study shall include: (i) a review of existing and developing personalized firearm and microstamp technologies and any legal or constitutional issues relating to such technologies; (ii) an investigation of the accuracy, effectiveness and utility of personalized firearm and microstamp technologies; (iii)

QUESTION 9: Full Text of Existing Law (continued)

an evaluation of the commercial availability of personalized firearm and microstamp technologies, both in the production of new firearms and modification of existing firearms; (iv) an evaluation of the feasibility and utility of a personalized firearm technology tax incentive program; (v) an evaluation of the risks associated with the use of a digital firearm manufacturing code for machine learning and artificial intelligence; and (vi) an investigation of the cost and impacts associated with requiring the use of personalized firearm or microstamp technologies in the commonwealth.

(e) The special legislative commission shall submit a report of its study and recommendations, together with any legislative recommendations, to the clerks of the house of representatives and the senate no later than March 1, 2025.

SECTION 149. (a) There is hereby established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to study the commonwealth's funding structure for violence prevention services.

(b) The special legislative commission shall consist of 19 members: the chairs of the joint committee on public health or their designees, who shall serve as co-chairs; the chairs of the joint committee on public safety and homeland security or their designees; the secretary of public safety and security or a designee; the secretary of health and human services or a designee; 1 member appointed by the speaker of the house of representatives who shall be from an organization that has received a grant through the Safe and Successful Youth Initiative; 1 member appointed by the president of the senate who shall be from an organization that has received a grant through the Safe and Successful Youth Initiative; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of the senate; 3 member appointed by the governor, 1 of whom shall be from an organization involved in early child education or development, 1 of whom shall represent a community-based organization providing intervention and prevention services and 1 of whom shall represent a female-led community-based organization providing violence prevention and intervention services; 2 members appointed by the Massachusetts Black and Latino Legislative Caucus who are not members of the general court; 1 member appointed by the Massachusetts Asian-American Legislative Caucus who is not a member of the general court; 1 member appointed by the Massachusetts Association of School Superintendents, Inc.; 1 member appointed by the Massachusetts Health and Hospital

Association, Inc. and 1 member from the Massachusetts Business Roundtable.

(c) The special legislative commission shall: (i) examine and evaluate the existing government funding structure for violence prevention services in the commonwealth, including funding sources, public-private partnerships, initiatives and programs utilized, specific services funded, the impact of services provided to survivors of victims of homicide in fostering healing and breaking the generational cycle of violence, communities served, how funding decisions are made, and how service providers and programs are chosen; (ii) study the feasibility of a statewide grant for municipal boards of health, health departments and health commissions for the development and operation of a public health and safety approach to preventing targeted violence through structured collaboration that brings together local law enforcement, housing providers, human services providers, youth providers, educators, residents, community-based organizations, coalitions and other stakeholders to address housing, health care, substance use and mental health issues as they relate to violence prevention and intervention; and (iii) recommend changes to promote efficiency, transparency, accessibility and utility with the ultimate goal of enhancing violence prevention services and minimizing the disproportionate impact of violence in historically impacted communities.

(d) The special legislative commission shall submit a report of its study and recommendations, together with any proposed legislation, to the clerks of the house of representatives and the senate no later than March 1, 2025.

SECTION 150. (a) There is hereby established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to study the collection, maintenance, access, use and distribution of firearm data by the commonwealth.

(b) The special legislative commission shall investigate and make recommendations for improvements to how firearm data: (i) is collected through the reporting of the possession and transfer of firearms and firearm parts including sales by licensed firearm dealers, transfers by non-retailers and lost or stolen firearms and how such collection will be affected by the registration, reporting and serialization requirements set forth in this act; (ii) is maintained and distributed by state agencies including the department of criminal justice information services; (iii) is shared between federal, state and local agencies including

QUESTION 9: Full Text of Existing Law (continued)

firearms tracing efforts and tracking firearms used in attempted or completed suicides; (iv) is accessed and used by licensing authorities as defined in section 121 of chapter 140 of the General Laws including processing applications for firearm licenses, investigating prohibited persons and unsuitability, receiving alerts on changes in licensee status and confiscating firearms pursuant to an emergency risk protection order; and (v) is reported by state agencies to the legislature or researchers under section 18 ¼ of chapter 6A of the General Laws and section 131Q of chapter 140 of the General Laws or is accessible to the public under section 121E of said chapter 140. The special commission shall make further recommendations on the consolidation and clarification of existing firearm data reporting statutes and requirements.

(c) The special legislative commission shall consist of 15 members: the chairs of the joint committee on public safety and homeland security or their designees, who shall serve as co-chairs; the secretary of public safety and security or a designee; the secretary of technology services and security or a designee; the attorney general or a designee 1 member appointed by the speaker of the house of representatives who shall be an expert in data collection and analytics; 1 member appointed by the president of the senate who shall be an expert in data collection and analytics; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of the senate; the colonel of the state police or a designee; the commissioner of criminal justice information services or a designee; 1 member appointed by the Massachusetts District Attorneys Association; and 3 members appointed by the governor, 1 of whom shall be a police chief from a rural community selected from a list of 3 nominees from the Massachusetts Chiefs of Police Association, 1 of whom shall be a police chief from an urban or suburban community selected from a list of 3 nominees from the Massachusetts Chiefs of Police Association and 1 of whom shall be an expert in data collection and analytics.

(d) The commission shall submit a report, together with any legislative or regulatory recommendations, to the house and senate committees on ways and means and the clerks of the house of representatives and senate not later than August 1, 2025.

SECTION 151. (a) Notwithstanding any general or special law to the contrary, the executive office of health and human services shall establish a task force to review the availability of federal funding to support community violence prevention programs and to make

recommendations to maximize federal funding in an equitable manner that supports community violence prevention service delivery across the commonwealth. The task force shall consist of: the secretary of health and human services or a designee, who shall serve as chair; the commissioner of public health or a designee; the director of Medicaid or a designee; and 9 persons to be appointed by the secretary of health and human services, 2 of whom shall represent organizations that have received a grant through the Safe and Successful Youth Initiative, 2 of whom shall represent recipients of the gun violence prevention grant through the department of public health, 2 of whom shall have lived experience with the impacts of community violence of which at least 1 shall have received services from a community violence intervention or prevention program, 1 of whom represents a hospital that currently operates a hospital-based violence prevention program in the commonwealth, 1 of whom represents a hospital in the commonwealth that does not currently operate a hospital-based violence prevention program and 1 of whom represents behavioral health care clinicians with experience providing trauma informed care.

(b) The task force shall consider: (i) whether federal funds may be applied equitably to community violence prevention programs, in clinical and nonclinical settings, across geographic regions; (ii) the ability of existing community violence prevention and intervention programs to implement any federal requirements to be eligible for funding; and (iii) any impact federal funding may have on the service delivery model of violence prevention services in the commonwealth.

(c) The task force shall submit its recommendations to the governor and the clerks of the house of representatives and senate not later than December 2, 2024.

(d) If the task force recommends that the secretary of health and human services pursue an amendment to the Medicaid state plan and seek any federal approval necessary to access federal funds to support equitable access to community violence prevention services, then the secretary shall pursue such an amendment and shall seek any such federal approval in accordance with the recommendations and findings of the task force.

SECTION 152. Notwithstanding any general or special law, rule or regulation to the contrary, the secretary of public safety and security or a designee shall study and report to the legislature on recommendations to ensure the effective implementation of live firearm training as required pursuant to section 131P of chapter 140 of the General Laws. Said report shall include, but not be limited to, any

QUESTION 9: Full Text of Existing Law (continued)

recommendations to ensure that such training does not become cost prohibitive and that resources and facilities to conduct such training are adequate and reasonably available to individuals in all regions of the state. Prior to issuing such report and recommendations, the secretary, or designee, shall conduct not less than 2 public hearings in different regions of the state to solicit public input regarding the implementation of the live firearm training requirement. The report and any recommendations shall be filed with the clerk of the house of representatives, the clerk of the senate, the senate and house chairs of the joint committee on the judiciary and the senate and house chairs of the joint committee on public safety not later than 9 months from the effective date of this act.

SECTION 153. A valid license to carry a firearm issued under sections 131 or 131F of chapter 140 of the General Laws, a valid firearm identification card under section 129B of said chapter 140 or a valid license to sell under section 122 of said chapter 140, shall remain valid until the expiration, suspension or revocation of said license and shall entitle the holder to possess the firearms authorized by the license at the time it was last issued or renewed.

SECTION 154. Not later than 6 months after the effective date of this act, the executive office of public safety and security shall notify all individuals with licenses to carry and firearm identification cards valid on the effective date of this act of the requirements under section 121B and 121C of chapter 140 of the General Laws, as inserted by section 32.

SECTION 155. (a) Not later than 6 months after the effective date of this act, the executive office of public safety and security shall promulgate regulations required by section 121B of chapter 140 of the General Laws, as inserted by section 32.

(b) Not later than 6 months after the effective date of this act, the executive office of public safety and security, in consultation with the department of criminal justice information services, shall promulgate regulations required by section 121C of said chapter 140, as inserted by section 32.

SECTION 156. Not later than 1 year after the effective date of this act, the department of criminal justice information services shall establish the online dashboard and publish firearm data required by subsection (c) of section 121E of chapter 140 of the General Laws, as inserted by section 32.

SECTION 157. The department of criminal justice information services shall establish the electronic firearms registration system established pursuant to section 121B of chapter 140 of the General Laws, as inserted by section 32, not later than 1 year after the effective date of this act; provided, that all firearms shall be registered in accordance with this act and not later than 1 year after said electronic firearms registration system is completed and publicly available.

SECTION 158. The department of criminal justice information services shall establish the serial number request system established pursuant to section 121C of chapter 140 of the General Laws, as inserted by section 32, not later than 1 year after the effective date of this act; provided, that all firearms shall be serialized in accordance with this act and not later than 1 year after said serial number request system is completed and publicly available.

SECTION 159. Sections 38 and 75 shall take effect 18 months after the effective date of this act.

Services of the Secretary of the Commonwealth

There are many divisions of the Secretary of the Commonwealth's office, providing an array of different services to citizens of Massachusetts. Below is a list of divisions that may be able to help you.

Find information on all divisions of the Secretary's office at www.sec.state.ma.us.

The **Citizen Information Service** of the Secretary's office functions as the primary information and referral agency for the state, offering information on state programs and agencies. CIS also provides several educational publications on matters of importance to Massachusetts citizens, including:

- Welcome to Massachusetts:
A Practical Guide to Living in the State
- Veterans Laws and Benefits Guide
- Automobile Excise Tax
- Safe and Sanitary Housing
for Massachusetts Residents
- And many more!

Phone: 617-727-7030 or 1-800-392-6090

Email: cis@sec.state.ma.us

The **Securities Division** works to protect Massachusetts investors.

Phone: 617-727-3548 or 1-800-269-5428

Email: securities@sec.state.ma.us

The **Elections Division** administers all state elections and provides information on voting.

Phone: 617-727-2828 or 1-800-462-VOTE (8683)

Email: elections@sec.state.ma.us

The **Public Records Division** administers the state Public Records Law and helps those seeking records.

Phone: 617-727-2832

Email: pre@sec.state.ma.us

The **Commissions Section** administers oaths of office and certifies documents for use abroad.

Phone: 617-727-2836

Email: comm@sec.state.ma.us

The **Corporations Division** is responsible for registering Massachusetts profit and non-profit business entities.

Phone: 617-727-9640

Email: corpinfo@sec.state.ma.us

The **Massachusetts Archives** collects, catalogs, and preserves records of enduring value from nearly 400 years of state and colonial government.

Phone: 617-727-2816

Email: archives@sec.state.ma.us

The **Commonwealth Museum** brings Massachusetts history alive through exhibits and student programs.

Phone: 617-727-9268

Website: www.CommonwealthMuseum.org

The **State House Tours Division** provides free tours of the historic Massachusetts State House to visitors from around the Commonwealth and the world.

Phone: 617-727-3676

Email: MAStateHouseTours@sec.state.ma.us

The **Massachusetts Historical Commission** is chaired by the Secretary of the Commonwealth and is responsible for historic preservation in the Commonwealth.

Phone: 617-727-8470

Email: mhc@sec.state.ma.us

Other Divisions Include:

The **Lobbyist Division**

Phone: 617-727-9122

Email: lob@sec.state.ma.us

The **State Publications & Regulations Division**

Phone: 617-727-2831

Email: regulations@sec.state.ma.us



Voter Checklist

Tear out and take to the polls.

BALLOT QUESTIONS

Question 1 ☐ Yes ☐ No
Question 2 ☐ Yes ☐ No
Question 3 ☐ Yes ☐ No
Question 4 ☐ Yes ☐ No
Question 5 ☐ Yes ☐ No

Question 6 ☐ Yes ☐ No
Question 7 ☐ Yes ☐ No
Question 8 ☐ Yes ☐ No
Question 9 ☐ Yes ☐ No

BALLOT OFFICES

► Offices on the ballot in 2026 appear in the following order:

Senator in Congress _____

Governor and Lieutenant Governor _____

Attorney General _____

Secretary of State _____

Treasurer _____

Auditor _____

Representative in Congress _____

Councillor _____

Senator in General Court _____

Representative in General Court _____

District Attorney _____

Register of Probate _____

County Treasurer _____
(Bristol, Norfolk and Plymouth counties only)

County Commissioner _____
(Barnstable, Bristol, Dukes, Norfolk and Plymouth counties only),
or Franklin Council of Government (Franklin County only)

Sheriff _____
(Franklin County only)



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One Ashburton Place, Room 1705
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OFFICIAL DOCUMENT

Residential Customer VOTERS

INFORMATION FOR VOTERS is sent to voters by mail to residential addresses, to voters residing in group quarters and to convenient public locations throughout the Commonwealth. Limited additional copies may be obtained at local city and town halls and some libraries, or by calling Secretary Galvin's Elections Division at 617-727-2828 or 1-800-462-VOTE (8683); or Citizen Information Service at 617-727-7030 or 1-800-392-6090. TTY users may call MassRelay at 800-720-3480. Be sure to visit our website at www.sec.state.ma.us. Spanish, Chinese, Vietnamese and Khmer editions of Information for Voters and a large print edition for the visually impaired are also available at the same phone numbers. An audio edition is also available from the Perkins Library in Watertown at 1-800-852-3133.