

501 CMR 19.00: REGISTRATION OF FIREARMS

Section

- 19.01: Purpose and Scope
- 19.02: Definitions
- 19.03: Registration of Firearms
- 19.04: Time of Registration
- 19.05: Reporting of Firearms Transactions
- 19.06: Loss or Theft of Firearms
- 19.07: MIRCS Portal Registration
- 19.08: Technical Requirements
- 19.09: Exemptions
- 19.10: Violations
- 19.11: Severability

19.01: Purpose and Scope

- (1) In accordance with M.G.L. c. 140, § 121B, 501 CMR 19.00 sets forth the electronic registration requirements for firearms through the MIRCS Firearms Licensing Portal operated and maintained by the Department of Criminal Justice Information Services (DCJIS).
- (2) 501 CMR 19.00 applies to the registration of all firearms possessed, manufactured or assembled in the Commonwealth, and all firearm transactions within the Commonwealth, including, but not limited to, all purchases, sales rentals, leases, loans or other transfers, including the loss or theft of a firearm, other than those explicitly exempted by M.G.L. c. 140, § 121B(b) and (d) and 501 CMR 19.00.
- (3) 501 CMR 19.00 does not address serialization of firearms requirements set forth in M.G.L. c. 140, § 121C. *See* 501 CMR 20.00: *Serialization of Firearms* for regulations relating to serialization of firearms.
- (4) Nothing in 501 CMR 19.00 shall be interpreted to limit the authority granted to the Executive Office of Public Safety and Security or its Secretary, DCJIS or its Commissioner by the Massachusetts General Laws.

19.02: Definitions

Assemble. To fit together a firearm's component parts; provided, however, that "assemble" shall not include firearms reassembly, repair of the fitting of special barrels, stocks, or trigger mechanisms to firearms, as defined in M.G.L. c. 140, § 121.

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 firearms defined in M.G.L. c. 140, § 121.

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 evidence to the contrary to be the frame of the firearm, as defined in M.G.L. c. 140, § 121.

Individual: A natural person.

19.02: continued

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, as defined in M.G.L. c. 140, § 121.

Massachusetts Instant Record Check System (MIRCS). The automated system operated and maintained by the DCJIS that provides on-line firearms licensing by licensing authorities and on-line reporting of gun transactions by gun dealers and private parties.

MIRCS Firearms Licensing Portal (MIRCS portal). The web-based system that allows users to electronically submit information to and/or request information from the DCJIS *via* the MIRCS. The MIRCS portal may be used to submit a firearms license application, check the status of a firearms license application, report a name or address change, obtain a firearms license PIN, request a unique firearms serial number, and register a firearm.

Nonresident. A person who is temporarily in the commonwealth but legally resides in another state or territory of the United States, as defined in M.G.L. c. 140, § 121.

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 person licensed under M.G.L. c. 140, § 122 in the course of their business activities, as defined in M.G.L. c. 140, § 121.

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, as defined in M.G.L. c. 140, § 121.

Requestor. Individual, entity, or manufacturer requesting a unique serial number from DCJIS *via* the MIRCS portal.

Unfinished Frame or Receiver. A forging, casting, printing, extrusion, machined body or similar item that:

- (a) has reached a stage in manufacture when it may readily be completed or assembled to function as a frame or receiver; or
- (b) 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.

Valid Serial Number. An identifying number that has been:

- (a) 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
- (b) 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.

Unique Serial Number. A serial number issued by DCJIS *via* the MIRCS portal in compliance with 501 CMR 19.00.

19.03: Registration of Firearms

(1) To register a firearm the user must submit the following information:

- (a) Registrant's name;
- (b) Registrant's address;
- (c) Registrant's telephone number;
- (d) Registrant's email address;

19.03: continued

- (e) Registrant's license, card, or permit type, or documentation of exemption pursuant to M.G.L. c. 140, § 129C;
- (f) Registrant's license, card, or permit number, or documentation of exemption pursuant to M.G.L. c. 140, § 129C;
- (g) Expiration date of the registrant's license, card, or permit, or documentation of exemption pursuant to M.G.L. c. 140, § 129C;
- (h) Date the firearm was acquired, if presently known;
- (i) Type of firearm;
- (j) Name and address of the source from which the firearm was obtained, if presently known; and
- (k) Whether the firearm was privately made.

(2) To complete the registration process, the registrant must acknowledge under the 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.

19.04: Time of Registration

Registration shall be completed as follows:

- (1) Registration of firearms shall be completed at the time of import, purchase, acquisition, manufacture or assembly except as provided in 501 CMR 19.09.
- (2) Firearms imported by a new resident shall be registered within 60 days of import, pursuant to M.G.L. c. 140, § 121B(a)(2)(i).
- (3) Firearms imported by a licensed dealer, gunsmith, distributor, or manufacturer shall be registered within seven days, pursuant to M.G.L. c. 140, § 121B(a)(2)(ii).
- (4) Firearms acquired by an heir or devisee through distribution of an estate may be registered within 60 days of the inheritance, pursuant to M.G.L. c. 140, § 121B(a)(2)(iii).
- (5) Firearms manufactured or assembled as a privately-made firearm shall be registered within seven days, pursuant to M.G.L. c. 140, § 121B(a)(2)(iv).

19.05: Reporting of Firearm Transactions

All transactions involving a firearm within the commonwealth, including, but not limited to, all purchases, sales, rentals, leases, loans or other transfers shall be reported by all parties to the transaction *via* the MIRCS portal within seven days of the sale, rental, lease, loan or other transfer.

No report shall be required for a loan of a firearm to a duly licensed or exempted person for a period of less than seven days.

19.06: Loss or Theft of a Firearm

Any loss or theft of a firearm shall be reported by the owner thereof *via* the MIRCS portal within seven days of learning of the loss or theft. The loss or theft report shall include the following information:

- (1) A description of the firearm;
- (2) Make of the firearm;
- (3) Model of the firearm;
- (4) Serial number of the firearm;
- (5) Caliber; and

19.06: continued

- (6) Whether the firearm is large capacity.

DCJIS shall notify the licensing authority in the town or city where the owner resides and where the license, card or permit was issued *via* the MIRCS portal of the loss or theft report.

19.07: MIRCS Portal Registration

- (1) All firearms must be registered *via* the MIRCS portal.
- (2) To access the MIRCS portal, a requestor must first register for a MIRCS system account at <https://mircsportal.chs.state.ma.us/mircs-portal>.
- (3) To complete the registration process, users must agree to the MIRCS Firearms Licensing Portal Terms and Conditions.

19.08: Technical Requirements

To electronically register a firearm with DCJIS *via* the MIRCS portal, requestors must have access to the following:

- (1) An internet connection; and
- (2) Any type of computer or device capable of connecting to the internet and accessing MIRCS.

19.09: Exemptions

501 CMR 19.00 does not apply to:

- (1) Firearms being delivered to law enforcement for the sole purpose of their destruction.
- (2) Firearms 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.
- (3) Firearms 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 M.G.L. c. 140, §§ 131C and 131L, and 18 U.S.C. 926A (federal Firearms Owner Protection Act).
- (4) Firearms that are property of the government of the United States.
- (5) Firearms produced by federally licensed manufacturers not for sale in the Commonwealth.
- (4) Firearms that are property of the government of the United States.
- (5) Firearms produced by federally licensed manufacturers not for sale in the Commonwealth.
- (6) The reporting of firearms on loan to a duly licensed or exempted person for a period of less than seven days.
- (7) Non-large capacity, non-semiautomatic rifles or shotguns possessed by nonresidents under the authority of M.G.L. c. 140, § 129C;
- (8) Firearms possessed by a nonresident under the authority of a license issued pursuant to M.G.L. c. 140, § 131F;
- (9) Firearms possessed by any person while receiving training pursuant to M.G.L. c. 140, § 131P;

19.09: continued

- (10) Firearms transferred to and received from a licensed gunsmith for the purpose of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, provided that the firearm is otherwise legal to possess in the Commonwealth;
- (11) Firearms possessed by a resident of the Commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days only with respect to any firearm then in their possession prior to returning;
- (12) Firearms possessed by any person under the provisions of M.G. L. c. 140, § 129C(e), (f) and (g), provided that the firearms were previously registered pursuant to 501 CMR 19.00; and
- (13) Any firearm transaction previously recorded in MIRCS or any legacy systems utilized by DCJIS.

19.10: Violations

Whoever fails to register a firearm in accordance with M.G.L. c. 140, § 121B shall be subject to criminal penalties as provided for in M.G.L. c. 140, § 121B(e).

Whoever fails to report a transaction, loss or theft of a firearm shall be subject to criminal penalties as provided for in M.G.L. c. 140, § 121B(e)

Whoever violates M.G.L. c. 140, § 121B shall be subject to suspension or permanent revocation of their license, card, or permit.

19.11: Severability

If any provision of 501 CMR 19.00, or the application thereof, is held to be invalid, such invalidity shall not affect the other provisions or the application of any other part of 501 CMR 19.00 not specifically held invalid and, to this end, the provisions of 501 CMR 19.00 and various applications thereof are declared to be severable.

REGULATORY AUTHORITY

501 CMR 19.00: M.G.L. c. 140, § 121B.