

803 CMR: CRIMINAL HISTORY SYSTEMS BOARD

803 CMR 10.00: GUN TRANSACTION RECORDING

Section

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10.01: Authority

803 CMR 10.00 *et seq.* is promulgated in accordance with M.G.L. c. 6, § 168B, M.G.L. c. 30A, M.G.L. c. 140, §§122, 122A and 123.

10.02: Regulations Do Not Limit Statutory Authority

Nothing contained in 803 CMR 10.00 *et seq.* shall be interpreted to limit the authority granted to the criminal history systems board or its executive director by M.G.L. c. 6, § 168B, c. 30A, c. 140, §§ 122, 122A and 123.

10.03: Applicability

Gun dealers licensed pursuant to M.G.L. c. 140, § 122 shall be required to complete the MIRCS training within 60 days of notice from the executive director of the criminal history systems board. Gun dealers that have completed MIRCS training shall be required to follow the provisions of 803 CMR 10.00.

10.04: Definitions

CHSB means Criminal History Systems Board.

Gun refers to firearms, rifles, shotguns or machine guns as defined in M.G.L. c. 140, §121.

Gun Dealer a person licensed pursuant to M.G.L. c. 140, §122 to conduct gun transactions.

Legacy License is a license issued pursuant to M.G.L. c. 140, §§ 129B and 131, by a licensing authority that has not been issued via MIRCS.

Massachusetts Instant Record Check System (MIRCS) is an integrated computer application owned and maintained by the CHSB that provides on-line firearms licensing by licensing authorities, and on-line reporting of gun transactions by gun dealers. MIRCS is the sole electronic communication link by which a gun dealer may submit gun transaction data.

Personal Identification Number (PIN) is an arbitrary string of characters generated by MIRCS.

Positive Identification Device (PID) is an electronic device used to capture a fingerprint.

Verification is the submission of a positive identification device or personal identification number to the criminal history systems board and the criminal history systems board's response regarding identity of the purchaser and validity of the license; or visual inspection of said license as authorized by 803 CMR 10.06(2)(a); or specific authorization from the criminal history systems board pursuant to 803 CMR 10.07.

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10.05: Technical Requirements

In order to electronically transmit gun transactions pursuant to M.G.L. c. 140, § 123 via MIRCS, gun dealers are required to obtain the following:

- (1) an internet connection that provides access to the commonwealth's internet portal; and
- (2) a computer that meets the standards published by the executive director of the criminal history systems board. Such standards will appear on the criminal history systems board's website at www.mass.gov/chsb.

10.06: Electronic Transmission of Gun Transactions Records

(1) If a purchaser holds a license issued via MIRCS, the gun dealer shall proceed with a gun transaction as follows:

- (a) The gun dealer shall submit via MIRCS the following required information:
 1. the license number as displayed on the purchaser's license to carry or firearms identification card; and
 2. the licensing authority that issued the license as displayed on the purchaser's license to carry or firearms identification card; and
 3. the type of gun being purchased; and
 4. identification as either a large capacity weapon or a non-large capacity weapon, as defined in M.G.L. c. 140, § 121.
- (b) If MIRCS displays a message that a license is "on hold" the gun dealer shall not proceed with the gun transaction and shall instruct the purchaser to contact the purchaser's licensing authority;
- (c) The gun dealer shall verify identity of purchaser and validity of license as follows:
 1. by use of positive identification device; or if not available
 2. by use of personal identification number.
 - a. in the event that the purchaser's identity and the validity of his/her license cannot be ascertained through the use of a positive identification device or personal identification number, the gun dealer shall contact the criminal history systems board.
 - b. the criminal history systems board shall expeditiously notify the gun dealer on how to proceed with the transaction.
- (d) Upon verification, the gun dealer shall review the accuracy of the gun dealer's information as displayed on MIRCS and proceed with entering the purchaser's address, demographics, and personal attributes via MIRCS.
- (e) After the purchaser's information has been completed, the gun dealer shall enter the make, model, serial number, caliber, barrel length, and gun surface finish for the gun transaction. After the gun information has been entered, the gun dealer shall contact the national instant check system.
- (f) The gun dealer shall review and re-verify the identity of the purchaser and the validity of the license as outlined in 803 CMR 10.06(1)(c).
- (g) Prior to the completion of a gun transaction, the gun dealer shall print out two copies of the completed FA-10 form, giving one copy to the purchaser, and keeping one copy for the gun dealer's records.
- (h) The purchaser's signature on the printed FA-10 form is required for the completion of a gun transaction.

(2) If a purchaser holds a legacy license issued in the Commonwealth by a licensing authority, the gun dealer shall proceed with the gun transaction as follows:

- (a) The gun dealer shall verify the identity of the purchaser and the validity of the license by visual inspection of the purchaser's license to carry or firearms identification card; and
- (b) At the time of a gun transaction the gun dealer shall submit via MIRCS the following required information:
 1. the license number as displayed on the purchaser's license to carry or firearms identification card; and
 2. the licensing authority that issued the license as displayed on the purchaser's license to carry or firearms identification card; and
 3. the type of gun being purchased; and

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10.06: continued

4. identification if a gun is either a large capacity weapon or a non-large capacity weapon, as defined by M.G.L. c. 140, § 121.
- (c) The gun dealer shall review the accuracy of the gun dealer's information as displayed on MIRCS and proceed with entering the purchaser's address, demographics, and personal attributes via MIRCS.
- (d) After the purchaser's information has been completed, the gun dealer shall enter the make, model, serial number, caliber, barrel length, and gun surface finish for the gun transaction.
- (e) The gun dealer shall contact the national instant check system.
- (f) The gun dealer shall review and re-verify the identity of the purchaser and the validity of the license as outlined in 803 CMR 10.06(2)(a).
- (g) Prior to the completion of a gun transaction, the gun dealer shall print out two copies of the completed FA-10 form, giving one copy to the purchaser, and keeping one copy for the gun dealer's records.
- (h) The purchaser's signature on the printed FA-10 form is required for the completion of a gun transaction.

10.07: Exceptions to Electronic Transmission

Notwithstanding the electronic submission requirements set forth in 803 CMR 10.06, a gun dealer may transmit in the manner as prescribed by the executive director of the criminal history systems board, a gun transaction if:

- (1) granted authorization per gun transaction by the executive director of the criminal history systems board, or his/her designee; and
- (2) the executive director of the criminal history systems board, or his/her designee, determines that the commonwealth's MIRCS infrastructure is not operational.

10.08: Gun Dealer's Access to Firearms Records

Gun dealers and their agents shall utilize MIRCS for the purpose of conducting gun transactions, including sales, rentals, leases, and transfers and to access all previous sales submitted by the respective gun dealer. No interface or other automated mechanism for accessing MIRCS shall be permitted without the express written permission of the executive director of the Criminal History System Board.

10.09: Sanctions

Any licensed gun dealer who violates any provision of, or is otherwise not in compliance with 803 CMR 10.00 *et seq.* may be found in violation of M.G.L. c. 140, §§ 122 and 123. The criminal history systems board shall promptly notify the licensing authority of violations of conditions of said license.

10.10: Licensing Authority Access to Firearms Records

A licensing authority as defined by M.G.L. c. 140 shall only disseminate information contained in MIRCS as authorized by M.G.L. c. 66, § 10.

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10.11: Severability

It is hereby declared that the provisions of 803 CMR 10.00 *et seq.* are severable. If any provision or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

REGULATORY AUTHORITY

803 CMR 10.00: M.G.L. c. 4, § 7; c. 6, § 168B; c. 30A; c. 66, § 10; c. 140, §§ 122, 122A and 123.