

## 803 CMR 12.00: FIREARMS DATA DASHBOARD

12.01: Purpose and Scope

12.02: Authorization

12.03: Definitions

12.04: Firearms Data Dashboard and Publication of Data

12.05: State and local criminal justice agency and non-criminal justice agency duties and responsibilities

12.06: Contribution of data by the Massachusetts Trial Court, and state and local criminal justice agencies to EOPSS, DCJIS and MSP

12.07: Data to be collected and submitted to DCJIS to be published to the Firearms Data Dashboard

12.08: Technical Requirements

12.09: Severability

### 12.01: Purpose and Scope

- (1) In accordance with M.G.L. c. 140, §121E, 803 CMR 12.00 sets forth the requirements related to the collection and publication of data and other information relating to the use of firearms in the Commonwealth on the Commonwealth's Firearms Data Dashboard.
- (2) M.G.L. c. 140, §121E(a) provides that the Department of Criminal Justice Information services ("DCJIS"), in collaboration with the Executive Office of Public Safety and Security ("EOPSS") and the Executive Office of Technology Services and Security ("EOTSS"), shall collect, assemble and publish data and other information relating to the use of firearms in the Commonwealth.
- (3) Pursuant to M.G.L. c. 140, §121E(d) DCJIS, in coordination with EOPSS and EOTSS, promulgates these regulations to ensure prompt collection, exchange, and publication of the firearm licensing information.
- (4) Nothing in 803 CMR 12.00 shall be interpreted to limit the authority granted to DCJIS, EOPSS or EOTSS by the Massachusetts General Laws.

### 12.02: Authorization

803 CMR 12.00 is promulgated pursuant to M.G.L. c. 140, §121E(d).

### 12.03: Definitions

Accidental Shooting - unintentional discharge of a firearm directly resulting in bodily injury to another.

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Age of Offender: Determined by the difference between the date of the offense and the Offender's date of birth.

Age of Victim: Determined by the difference between the date of offense and the Victim's date of birth.

Agency Head: The chief law enforcement or criminal justice official (e.g. Chief of Police, Colonel, Commissioner, Executive Director, etc..) at an agency that has access to the Firearms Data Dashboard or the information contained therein.

Criminal Justice Agency: Consistent with the definition in M.G.L. c. 6, § 167, "those agencies at all level of government which perform as their principal function, activities relation to:

- (a) crime prevention, including research or the sponsorship of research;
- (b) the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders; or
- (c) the collection, storage, dissemination or usage of criminal offender record information."

Disposition: Refers to the end result of a criminal case through a conviction, acquittal, plea or admission, dismissal, nolle prosequi or other final resolution as entered by the Trial Court.

Ethnicity: Determined with reference to the ethnicity categories used by Federal Bureau of Investigation's Criminal Justice Information Services, Division Uniform Crime Reporting Program, National Incident - Based Reporting System User Manual which are currently as follows:

- (a) H - Hispanic or Latino;
- (b) N - Non-Hispanic or Not Latino.

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 antique firearm or permanently inoperable firearms defined in M.G.L. c. 140, § 121.

Firearms Data Dashboard: Data management system managed and maintained by EOPSS and DCJIS, or agent thereof, in consultation with EOTSS, where firearm data collected from Criminal Justice Agencies and the Trial Court is stored, integrated, and processed for access by criminal justice agencies and anonymized public reporting.

Firearms Data Dashboard Representative: An employee of a criminal or non-criminal justice agency designated by the agency head to serve as the agency's primary point of contact with the DCJIS with respect to the Firearms Data Dashboard.

Firearm-Involved Crime: a charged criminal offense involving a firearm.

Firearm-Involved Violence: Refers to all firearm-involved crimes, attempted or completed suicides using a firearm, and/or accidental shootings.

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.

Gender: Is presented in the Firearms Data Dashboard and defined consistent with the Federal Bureau of Investigation's Criminal Justice Information Services, Division Uniform Crime Reporting Program, National Incident - Based Reporting System User Manual definitions which currently include:

- (a) M - male;
- (b) F - female; and
- (c) U - unknown.

Individual: A single natural person.

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

Massachusetts State Police State Identification Section (SIS): The SIS is a unit within the Department of State Police responsible for managing and maintaining fingerprint records within the Commonwealth. The Department of State Police establishes the policies and procedures for properly collecting fingerprint records. Pursuant to the provisions of M.G.L. c. 6A, § 18 <sup>3</sup>/<sub>4</sub>, c.94C, § 45, c. 119, § 54, c. 126 § 40, c. 127, § 23, c. 211B, § 22, c. 212, § 7, and c. 263, § 1A, Criminal Justice Agencies are required to collect and submit fingerprints to the SIS for felony criminal offenses, and may also submit fingerprints for misdemeanor arrest.

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.

Municipality: A Massachusetts city or town where an event recorded in the firearms data dashboard takes place.

Natural Person: A human being, naturally born. As distinguished from a juridical person.

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.

Offense Based Tracking Number (OBTN): A unique identifier for a specific arrest/custody event/charge instance that either links the individual to the fingerprints taken for the custodial event or to a charged event. This 13- character alphanumeric identifier is unique to the fingerprint/arrest/custody event. The first character is predetermined by the SIS, followed by the 3-character CJIS Agency code. The remaining 9-character suffix is designated by the agency. Prefix assignments: T (denotes arrest), J (denotes county jail booking, H (denotes house of correction booking, D (denotes state department of correction). An offender will have multiple OBTNs on file when they have multiple events.

Police interaction: an interaction between an individual or group of individuals and the police during which there is firearm-involved violence against the police.

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

Probation Central File Number (PCF Number): A number assigned for identification purposes to an individual by the Massachusetts Probation Service. The PCF number is not supported by fingerprint-based identification.

Race: Determined with reference to the race categories used by the Federal Bureau of Investigation's Criminal Justice Information Services Division, Uniform Crime Reporting Program, National Incident - Based Reporting System User Manual, which are currently as follows:

- (a) A - Asian;
- (b) B - Black or African-American;
- (c) I - American Indian or Alaska Native;
- (d) W - White;
- (e) P- Native Hawaiian or Other Pacific Islander; and
- (f) U - Unknown.

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.

State Identification Number (SID): A unique 10-character alphanumeric identifier supported by fingerprint identification assigned to an individual by the Department of State Police through the Automated Biometrical Identification System (ABIS). The SID is created upon the fingerprinting of a person by a Criminal Justice Agency pursuant to M.G.L. c. 6A, § 18 ¾, c. 94C, § 45, c. 119, § 54, c. 126, § 40, c. 127, § 23, c. 211B, § 22, c. 212, § 7, and c. 263, § 1A.

Valid serial number: An identifying number that has been: (i) placed on a firearm by a federal 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.

Unique serial number: A serial number issued by DCJIS via the MIRCS portal in compliance with 501 CMR 20.00.

#### 12.04: Firearms Data Dashboard and publication of data

- (1) DCJIS, in coordination with EOPSS and EOTSS, has established a Firearms Data Dashboard pursuant to the requirements set forth in M.G.L. c. 140, §121E.
- (2) The purpose of the Firearms Data Dashboard is to provide non-personally identifiable data to the general public.
- (3) The data will be published and updated at least on a quarterly basis.

#### 12.05: State and local criminal justice agency and non-criminal justice agency duties and responsibilities

- (1) State and local agencies, including, but not limited to, the Department of State Police, licensing authorities and other criminal justice agencies, as defined in M.G.L. c. 6, § 167, and non-criminal justice agencies that possess data related to the Firearms Data Dashboard shall provide timely access to information requested by DCJIS pursuant to M.G.L. c. 140, §121E.
- (2) Each local criminal justice agency and non-criminal justice agency (hereinafter “agency”) shall submit, periodically, but not less than on a quarterly basis, the information required under these regulations to the DCJIS through the 131Q reporting mechanism or other means as provided by DCJIS and/or EOPSS.
- (3) Should the information entered by an agency change from the time of submission, each agency shall update its submission periodically, but not less often than on a quarterly basis.
- (4) The Agency Head of an agency with access to the Firearms Data Dashboard shall appoint a Firearms Data Dashboard representative. The Firearms Data Dashboard representative shall serve as the primary point of contact between the agency and the DCJIS for data collection and submission.

(5) Only those staff members that have successfully completed the requirements for obtaining access to CJIS, as provided in 803 CMR 7.04 and 7.07 shall be provided access to the Firearms Data Dashboard platform

(6) Access to the Firearms Data Dashboard shall be limited to agency staff members who need to access the data to perform their official duties. Agencies are responsible for providing staff members with the appropriate level of access to the Firearms Data Dashboard.

(7) The Agency Head and/or his or her designee shall report any misuse and/or security incident relating to the Firearms Data Dashboard to DCJIS and EOPSS as soon as possible but, no later than within forty-eight 48 (hours).

12.06: Contribution of data by the Massachusetts Trial Court, and state and local criminal justice agencies to EOPSS, DCJIS and MSP

(1) EOPSS, DCJIS, and MSP may access and use any and all information provided to them, in any capacity, by the Massachusetts Trial Court, state, and local criminal justice agencies as necessary to fulfill the obligation to publish the Firearms Data Dashboard in compliance with M.G.L. c. 140, §121E(c).

(2) Any such information accessed by MSP, EOPSS and DCJIS for this purpose shall only be used to publish non-personally identifying information to the general public in the Firearms Data Dashboard.

12.07: Data to be collected and submitted to DCJIS to be published to the Firearms Data Dashboard

The Firearms Data 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;
- (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.

(3) Criminal justice agencies shall also submit the following fields of information to DCJIS in order to properly identify and associate information within the system. The fields below will be submitted but, not published to the Firearms Data Dashboard public site, as they may tend to identify a firearms license holder and public dissemination of this data would be in violation of M.G.L. c 66, § 10B and/or criminal offender record information as defined in M.G.L. c. 6, § 172:

- (i) Probation Central File Number;
- (ii) Offense Based Tracking Number (“OBTN”) for reported offense(s);
- (iii) date of offense;
- (iv) State Identification Number (“SID”); and
- (v) firearm serial number.

#### 12.08: Technical Requirements

(1) State and local criminal justice agencies shall electronically submit data to DCJIS for publication to the Firearms Data Dashboard.

(2) Regulated parties must have access to the following:

- (i) An internet connection; and
- (ii) Any type of computer or device capable of connecting to the internet.

#### 12.09: Severability

If any provision of 803 CMR 12.00, 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 803 CMR 12.00 not specifically held invalid and, to this end, the provisions of 803 CMR 12.00 and various applications thereof are declared to be severable.

#### REGULATORY AUTHORITY

803 CMR 12.00: M.G.L. c. 140, § 121E