

MEMORANDUM

TO: Secretary of Public Safety and Security Terrence M. Reidy

FROM: Firearm Control Advisory Board Members

DATE: February 14, 2025

RE: Inclusion of rifles and shotguns on approved firearms roster

The FCAB Roster Subcommittee was established to evaluate the necessity and feasibility of incorporating rifles and shotguns into the testing process for the approved firearms roster due to the amended definition of “firearm” in *An Act Modernizing Firearm Laws*, Chapter 135 of the Session Laws of 2024.

Section 131¾ of Chapter 140 of the General Laws, as amended in 2024, requires the compilation of “a roster of firearms approved for sale and use in the commonwealth using the parameters set forth in section 123.” Section 121 defines a “firearm” as

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.

The plain language of the updated definition appears to include rifles and shotguns within the universe of weapons to be tested and included in the roster. However, § 121 states that the defined words “shall, *unless the context clearly requires otherwise*, have the following meanings . . . ” (emphasis added). Accordingly, the context for § 131¾ should be considered in determining whether rifles and shotguns should be included in the approved firearms roster.

When first developed in 1998, the testing regime described in § 123 was intended to address an influx of cheap, dangerous handguns prone to catastrophic failure. By requiring testing to ensure that handguns offered for sale in the Commonwealth met minimum safety standards, the Legislature protected consumers by removing defective weapons from the retail market and ensuring that newer models offered for sale would be safe for use by trained consumers. Handguns are smaller and more commonly carried for self-defense than rifles and shotguns. They are often drawn quickly from holsters or clothing using only one hand, making them more likely to be dropped and suffer malfunctions. They are typically fired at targets at closer distances than rifles and shotguns. The testing requirements, therefore, focused on material strength, accidental discharge due to dropping, misfiring and exploding, and short-range accuracy testing.

Rifles and shotguns, by contrast, have long barrels and are usually openly carried with two hands or with the assistance of a sling, leaving them less likely to be dropped or suffer from

inaccurate fire. They are most often fired at targets at a substantial distance. It would be difficult, if not impossible, to subject them to many of the testing requirements. For example, the accidental discharge test, also known as the drop test, requires that the test weapon be dropped in a number of positions incompatible with rifles and shotguns, including on the grip, which many do not have; on the hammer, not commonly located in a position easily accessible to dropping; and on the muzzle, which is considerably longer than that of a handgun.

Despite making many changes to firearms laws in the 2024 Act, the Legislature elected not to adjust testing requirements to make them more broadly applicable to the full range of weapons now included in the term “firearm,” such as rifles and shotguns, and it would be impossible to apply most of the tests to some of the items now included in the definition, such as frames and receivers. This suggests that the Legislature did not intend to extend the testing requirements beyond the handguns on which they focused from the time of their inception.

In addition, the Legislature did not amend § 123(o)(i) to include “receiver” where it refers to “a firearm that has a frame, barrel, cylinder, slide, or breechblock” While handguns are built around frames, rifles and shotguns are built around receivers, making this subsection inapplicable to them. By contrast, the Legislature made choices to explicitly include items in amended sections, such as adding the words “frame or receiver” to the definition of “firearm” in § 121 and adding ammunition to the sales record provisions of § 123. That the Legislature did not amend § 123 to include receivers in the testing requirements must be given some import.

Finally, the amended definition of “firearm” in § 121 includes several items that are presumptively unlawful to possess, including sawed-off shotguns, assault-style firearms, and machine guns, as well as items for which the testing would be inapplicable, such as stun guns, frames, and receivers. Were we to read § 123 as requiring the testing of all items defined as firearms, it would lead to the illogical result of evaluating plainly illegal items for inclusion on the roster. This clearly could not have been the intent of the Legislature.

Accordingly, the subcommittee recommends that FCAB not include rifles and shotguns in the testing regime required by § 123. The context surrounding the use of the word “firearm” in §§ 123 and 131^{3/4} suggest that the testing and roster requirements were clearly targeted at handguns.