

Firearms Definitions¹

(a) For offenses that occurred BEFORE Oct. 2, 2024

Firearm

A “firearm” is any pistol, revolver, or other weapon that is capable of discharging a shot or bullet and that has a barrel shorter than 16 inches, or a stun gun.² The barrel is the part of a firearm through which a shot or bullet is driven, guided, or stabilized, and includes the chamber.

Rifle

A “rifle” is any weapon that has a rifled bore, is capable of discharging a shot or bullet for each pull of the trigger, and has a barrel length equal to or greater than 16 inches. The barrel is the part of a rifle through which a shot or bullet is driven, guided, or stabilized, and includes the chamber.

Shotgun

A “shotgun” is any weapon that has a smooth bore, is capable of discharging a shot or bullet for each pull of the trigger, and has a barrel length of at least 18 inches and an overall length of at least 26 inches. The

¹ For firearm-related offenses, firearms are defined in G.L. c. 140, § 121. The statute was substantially amended by St. 2024, c. 135, §§ 15–30 (eff. Oct. 2, 2024). This document summarizes the definitions in effect (a) before Oct. 2, 2024 (under § 121, as amended through St. 2018, c. 123), and (b) on or after Oct. 2, 2024.

² “Pistol” and “revolver” are not defined by statute. It may suffice to instruct the jury to give these terms their ordinary meaning. See Webster’s Ninth New Collegiate Dictionary 896, 1010 (1991) (defining pistol as “a handgun whose chamber is integral with the barrel”; and defining revolver as “a handgun with a cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer”).

“Firearm” excludes “any weapon that is: (i) constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or (ii) not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors.” G.L. c. 140, § 121.

barrel is the part of a shotgun through which a shot or bullet is driven, guided, or stabilized, and includes the chamber.

Sawed-off shotgun

A "sawed-off shotgun" is any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon as modified has one or more barrels less than 18 inches in length or as modified has an overall length of less than 26 inches. The barrel is the part of a shotgun through which a shot or bullet is driven, guided, or stabilized, and includes the chamber.

Large capacity weapon

A "large capacity weapon" is **[fashion a case-specific definition from the statutory description quoted in the footnote].³**

³ "Large capacity weapon" is "any firearm, rifle or shotgun: (i) that is semiautomatic [defined below] with a fixed large capacity feeding device [defined below]; (ii) that is semiautomatic and capable of accepting, or readily modifiable to accept, any detachable large capacity feeding device; (iii) that employs a rotating cylinder capable of accepting more than ten rounds of ammunition in a rifle or firearm and more than five shotgun shells in the case of a shotgun or firearm; or (iv) that is an assault weapon [see definition of "assault weapon" below]. The term 'large capacity weapon' shall be a secondary designation and shall apply to a weapon in addition to its primary designation as a firearm, rifle or shotgun and shall not include: (i) any weapon that was manufactured in or prior to the year 1899; (ii) any weapon that operates by manual bolt, pump, lever or slide action; (iii) any weapon that is a single-shot weapon; (iv) any weapon that has been modified so as to render it permanently inoperable or otherwise rendered permanently unable to be designated a large capacity weapon; or (v) any weapon that is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable large capacity weapon." G.L. c. 140, § 121.

"Semiautomatic" means "capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and requiring a separate pull of the trigger to fire each cartridge." G.L. c. 140, § 121.

A "large capacity feeding device" is "(i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells; or (ii) a large capacity ammunition feeding device as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(31) as appearing in such section on September

Machine gun

A “machine gun” is a weapon of any description, by whatever name known, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, including a submachine gun;⁴ provided, however, that “machine gun” shall include bump stocks⁵ and trigger cranks.⁶

Assault weapon

An “assault weapon” is [fashion a case-specific definition from the statutory description quoted in the footnote].⁷

13, 1994. The term ‘large capacity feeding device’ shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber ammunition.” G.L. c. 140, § 121.

⁴ “Submachine gun” was not defined in the General Laws before Oct. 2, 2024, nor in any Massachusetts reported appellate decision. But, through St. 2024, c. 135, § 24 (eff. Oct. 2, 2024), the definition of “machine gun” now includes “submachine gun.” See definition of “machine gun” and “submachine gun” in part (b) of these definitions, below.

⁵ A “bump stock” is “any device for a weapon that increases the rate of fire achievable with such weapon by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger.” G.L. c. 140, § 121.

⁶ A “trigger crank” is “any device to be attached to a weapon that repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion; provided, however, that ‘trigger crank’ shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever.” G.L. c. 140, § 121.

⁷ “Assault weapon” “shall have the same meaning as a semiautomatic assault weapon as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(30) as appearing in such section on September 13, 1994, and shall include, but not be limited to, any of the weapons, or copies or duplicates of the weapons, of any caliber, known as: (i) Avtomat Kalashnikov (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, such as, or similar to, the Street Sweeper and Striker 12; provided, however, that the term assault weapon shall not include: (i) any of the weapons, or replicas or duplicates of such weapons, specified in appendix A to 18 U.S.C. section 922 as appearing in such appendix on September 13, 1994, as such weapons were manufactured on October 1, 1993; (ii) any weapon that is operated by manual bolt, pump, lever or slide action; (iii) any weapon that has been rendered permanently inoperable or otherwise rendered permanently unable to be designated a semiautomatic assault weapon; (iv) any weapon that was manufactured prior to the year 1899; (v) any weapon that

Stun gun

A "stun gun" is any portable device or weapon that is designed to pass or emit an electrical shock to temporarily incapacitate, injure, or kill someone. Such a device is a stun gun whether it passes an electrical shock by means of a dart or projectile via a wire lead, and whether it does so by emitting an electrical current, impulse, wave, or beam.

is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable assault weapon; (vi) any semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition; or (vii) any semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine." G.L. c. 140, § 121.

(b) For offenses that occurred ON OR AFTER Oct. 2, 2024

Firearm

A “firearm” is a [choose whichever applies: pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, machine gun or submachine gun, or assault-style firearm], which is designed to or may readily be converted to expel a shot or bullet[, or a stun gun].⁸

⁸ “Pistol” and “revolver” are not defined by statute. It may suffice to instruct the jury to give these terms their ordinary meaning. See Webster’s Ninth New Collegiate Dictionary 896, 1010 (1991) (defining pistol as “a handgun whose chamber is integral with the barrel”; and defining revolver as “a handgun with a cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer”).

“Firearm” is also defined as “the frame [defined below] or receiver [defined below] of any such firearm or the unfinished frame or receiver [defined below] of any such firearm,” but “firearm” excludes “any antique firearm or permanently inoperable firearm.” G.L. c. 140, § 121.

The “frame” of a firearm is “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.” G.L. c. 140, § 121.

The “receiver” of a firearm is “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.” G.L. c. 140, § 121.

An “unfinished frame or receiver” is “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.” G.L. c. 140, § 121.

“Antique firearm” means “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

[Instruct on the applicable firearm:]

Rifle

A "rifle" is a firearm having a rifled bore with a barrel length equal to or greater than 16 inches and capable of discharging a shot or bullet for each pull of the trigger. The barrel is the part of a rifle through which a shot or bullet is driven, guided, or stabilized, and includes the chamber.

Shotgun

A "shotgun" is a firearm having a smooth bore with a barrel length equal to or greater than 18 inches with an overall length equal to or greater than 26 inches, and capable of discharging a shot or bullet for each pull of the trigger. The barrel is the part of a shotgun through which a shot or bullet is driven, guided, or stabilized, and includes the chamber.

Sawed-off shotgun

A "sawed-off shotgun" is any firearm made from a shotgun, whether by alteration, modification or otherwise, if such firearm as modified has one or more barrels less than 18 inches in length or as modified has an overall length of less than 26 inches. The barrel is the part of a shotgun through which a shot or bullet is driven, guided, or stabilized, and includes the chamber.

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." G.L. c. 140, § 121.

Large capacity firearm

A "large-capacity firearm" is [fashion a case-specific definition from the statutory description quoted in the footnote].⁹

Machine gun or submachine gun

A "machine gun" [or] "submachine gun" is a firearm, which may automatically discharge more than 1 shot by a continuous activation of the trigger, whether originally manufactured as such or modified by automatic

⁹ "Large capacity firearm" is "any firearm that: (i) is semiautomatic [defined below] with a fixed large capacity feeding device [defined below]; (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 [see definition of "assault-style firearm" below]; 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." G.L. c. 140, § 121.

"Semiautomatic" means "capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and requiring a separate pull of the trigger to fire each cartridge." G.L. c. 140, § 121.

A "large capacity feeding device" is a "(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." G.L. c. 140, § 121.

conversion,¹⁰ including through the use of an automatic part;¹¹ or any firearm, which has been modified by automatic conversion to alter or increase its rate of fire to mimic automatic fire.

Assault-style firearm

An “assault-style firearm” is [fashion a case-specific definition from the statutory description quoted in the footnote].¹²

¹⁰ “Automatic conversion” means “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.” G.L. c. 140, § 121.

¹¹ “Automatic part” is “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.” G.L. c. 140, § 121.

¹² “Assault-style firearm” is “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 131^{3/4};

(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;

Stun gun

A "stun gun" is a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave or beam that is designed to incapacitate temporarily, injure or kill may be directed.

(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 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." G.L. c. 140, § 121.