

515 CMR: DEPARTMENT OF STATE POLICE

515 CMR 3.00: FIREARMS COURSE AND INSTRUCTOR CERTIFICATIONS AND FIREARMS SURRENDER PROGRAMS

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3.01: Purpose

The purpose of 515 CMR 3.00 is to provide rules and regulations governing basic firearms safety instructor and course certifications required by M.G.L. c. 140, § 131P and the implementation of a statewide firearms surrender program required by M.G.L. c. 140, § 131O.

3.02: Scope and Applicability

The Colonel of the Massachusetts Department of State Police adopts 515 CMR 3.00 under the authority of M.G.L. c. 140, §§ 131O and 131P, to establish rules and regulations as described in M.G.L. c. 140, §§ 131O and 131P. 515 CMR 3.00 is not applicable to OLE firearms safety courses exempted under M.G.L. c. 140, § 131P.

3.03: Definitions

BFS. Basic Firearms Safety.

BFS Certificate. Basic Firearms Safety Course Completion Certificate issued pursuant to 515 CMR 3.05(7).

Colonel. The Colonel of the Massachusetts Department of State Police or his or her designee.

FID Card. Firearms Identification Card.

LEAPS. Law Enforcement Agency Processing System/Criminal Justice Information System.

LTC. License to Carry Firearms which shall include both Class A and Class B licenses.

MPTC. Municipal Police Training Council.

NCIC. The federal National Criminal Information Center.

NRA. National Rifle Association.

OLE. Office of Law Enforcement within the Executive Office of Energy and Environmental Affairs (Environmental Police).

3.04: Firearms Safety Instructors Certification

(1) Requirements. For certification as a firearms safety instructor, a person shall be properly licensed with a FID card or LTC as required by law, and may only offer instructions on those firearms for which he or she is licensed. In addition BFS instructors shall provide documentation to verify status as at least one of the following:

- (a) a firearms instructor of the NRA, or other nationally recognized organization that teaches firearms safety, or a firearms instructor certified by such organization;
- (b) a federal, state or municipal law enforcement firearms instructor;
- (c) a United States military firearms instructor;
- (d) an OLE basic hunter education instructor;

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- (e) a firearms instructor of the MPTC, or a firearms instructor certified by the MPTC;
- (f) a firearms instructor of a firearms manufacturer or its academy, or a firearms instructor certified by such academy; or
- (g) any other person, in the discretion of the Colonel, competent to give instruction in a BFS course, which may include any person who operates a firearms safety course or program as described in M.G.L. c. 140, § 131P(b).

(2) Application. An application for certification as a BFS instructor can be obtained by writing to the Department of State Police, Licensing Unit, 470 Worcester Road, Framingham, MA 01702. Upon filling out the application and submitting the application fee, as set forth in the application, and required documentation, the package can be mailed or delivered to the same address. The Colonel may require additional verifying information as deemed necessary before issuing certification. Certification or non-approval will be mailed to the applicant.

(3) Instructor Certification. Certification as a firearms safety instructor shall be valid for a period of ten years, unless sooner revoked because of unsuitability, in the discretion of the Colonel. Each BFS Instructor's Certificate shall be on a form prescribed by the Colonel and shall be designated a unique number.

(4) Certified Instructor Obligation. Instructors shall forward information regarding students who successfully complete an instructor's BFS course, on a form prescribed by the Colonel, to the Department of State Police, Licensing Unit, 470 Worcester Road, Framingham, MA 01702.

3.05: Basic Firearms Safety Course Curriculum Approval Certification

(1) Applicability.

- (a) Any person lawfully licensed with a FID card on June 1, 1998 shall not be required to complete the statutorily required BFS course or submit a BFS certificate for:
  - 1. subsequent FID card renewals; or
  - 2. subsequent LTC licensure and renewals.
- (b) Any person lawfully licensed with a LTC card on June 1, 1998 shall not be required to complete the statutorily required BFS course or submit a BFS certificate for:
  - 1. subsequent LTC renewals; or
  - 2. subsequent FID card licensure and renewals.
- (c) Any person licensed after June 1, 1998 who completed a BFS course for an initial FID card or LTC shall not be required to complete a subsequent statutorily required BFS course or submit a BFS certificate for FID card or LTC renewals.

Course completion certificates issued between June 1, 1998 and October 21, 1998 shall be valid where that course was subsequently certified as an approved BFS course.

(2) Basic Firearms Safety Course Curriculum Criteria. Curriculum for a BFS course shall include curriculum criteria as described in M.G.L. c. 140, § 131P(b).

- (a) A BFS course used as a prerequisite for a FID shall use rifles and/or shotguns as the primary subject matter of the curriculum unless the course is an approved LTC BFS course. A BFS course used as a prerequisite for a LTC shall use pistols and/or revolvers as the primary subject matter of the curriculum.
- (b) Certain BFS course curriculums do not contain a firearms related law component. Such curriculums can still meet Department of State Police curriculum criteria by utilizing guest speakers familiar with firearms laws or by utilizing or distributing to its students written informational pamphlets/books/videos by an entity/individual familiar with firearms laws to cover that portion of the course.

(3) FID Card Basic Firearms Safety Courses. The following BFS courses, with fulfillment of 515 CMR 3.05(2)(b) requirements as applicable, meet the Department of State Police's criteria for obtaining a FID card and are approved:

- (a) NRA Basic Rifle or Shotgun Courses and NRA Home Safety Course;
- (b) SIG Arms Academy Firearms Orientation and Familiarization Courses for Shotgun, Carbine or Rifle;
- (c) Smith & Wesson Academy Massachusetts F.I.D. Safety Training Course; and
- (d) Approved LTC Basic Firearms Safety Course as set forth in 515 CMR 3.05(4) or (5).

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(4) LTC Basic Firearms Safety Courses. The following BFS courses, with fulfillment of 515 CMR 3.05(2)(b) requirements as applicable, meet the Department of State Police's criteria for obtaining a LTC and are approved:

- (a) Massachusetts Chiefs of Police Association Basic Handgun Safety Course;
- (b) NRA Basic Pistol Course, NRA Personal Protection Course or NRA Home Safety Course;
- (c) SIG Arms Academy Handgun Orientation Course; and
- (d) Smith & Wesson Academy Massachusetts Carry Permit Course.

(5) Courses Not Listed in 515 CMR 3.05(3) and (4). Additional courses will be approved on an individual basis at the discretion of the Colonel pursuant to 515 CMR 3.05(6).

(6) Issuance of Basic Firearms Safety Course Curriculum Approval Certification. For courses not listed in 515 CMR 3.05, a BFS course curriculum approval application can be obtained by writing to the Department of State Police, Licensing Unit, 470 Worcester Road, Framingham, MA 01702. The application can be mailed or delivered to the same address. A letter approving the course or denying approval because the course does not meet the curriculum requirements will be mailed to the applicant.

(7) Basic Firearms Safety Course Completion Certificate. Certificates of completion shall be provided by the certified BFS instructor to the student upon successful completion of a BFS course, approved as set forth in 515 CMR 3.05. All such certificates shall be in a form prescribed by the Colonel and shall contain the following information:

- (a) Course title and the fact the course was approved in accordance with 515 CMR 3.05;
- (b) Purpose for which course was offered, *i.e.* "Valid for FID Card" or "Valid for LTC" (Courses valid for LTC are also valid for FID cards.);
- (c) Name and date of birth of the student;
- (d) Date of course completion; and
- (e) Certified BFS instructor's typed or printed name, signature, and BFS Instructor Certification number.

### 3.06: Firearms Surrender Program

(1) Date/Time/Location. Persons turning in a firearm(s) shall notify their local law enforcement department or the Department of State Police, in writing or by telephone, informing the department of their desire to surrender a firearm(s). Such persons shall make arrangements with the department regarding date, time, locations, manner, and officer who shall be receiving the firearm(s).

(2) Firearms Submitted for Disposal. The State Police Firearms Identification Section shall receive firearms, turned in from a Firearms Surrender Program, for disposal from any law enforcement department in the state. The firearms shall be accompanied by an official department request as set forth in 515 CMR 3.06(3) and (4) and submitted as follows:

- (a) A copy of the request shall accompany the firearms to serve as a temporary receipt pending the final verification.
- (b) Prior to submission each firearm shall be tagged to correspond to the item number listed on the request.
- (c) No more than 25 firearms shall be submitted at any one time, unless by approval of the State Police Firearms Identification Section.

(3) Form of Official Department Request. A request by a law enforcement department for the disposal of firearms shall be on a form prescribed by the Colonel and shall:

- (a) Officially request disposal and be signed by the chief of the department or the equivalent of the department's evidence/contraband officer;
- (b) Be signed by the officer responsible for submitting the firearms;
- (c) List each firearm with a description of the firearm that includes the caliber, manufacturer's name, type or model, and serial number; and
- (d) Certify that a stolen record check has been completed through both LEAPS and NCIC on each firearm submitted, with negative results.

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(4) Request Substitute. A court order authorizing the disposal or destruction of firearms may be used in lieu of an official department request.

(5) Immunity. Persons turning in firearms at the stated date, time and location, as arranged through the police department, shall not be asked for identification and shall be immune from prosecution for possession of such firearm(s) as set forth in M.G.L. c. 140, § 131O.

3.07: Severability

If any article, section, subsection, sentence, clause or phrase of 515 CMR 3.00 is for any reason determined to be unconstitutional, contrary to statute, in excess of authority, or otherwise inoperative, such determination shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 515 CMR 3.00.

REGULATORY AUTHORITY

515 CMR 3.00: M.G.L. c. 140, §§ 131O and 131P.