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OPINION | MAURA HEALEY

# The loophole in the Mass. assault weapons ban

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**Dechia Gerald, wife of slain Baton Rouge police officer Matthew Gerald, cried while holding her children in Baton Rouge, La., on Monday.**

**By Maura Healey** | JULY 20, 2016

**ORLANDO. BATON ROUGE. Falcon Heights. Dallas. Baton Rouge again.**

**Five horrific headlines in five weeks. Each story unique in its circumstances, but bound by a common thread: human lives taken by a gun.**

**There are myriad issues underlying each of these tragedies: fear, racism, mistrust, hate. These are critical issues that we, as a country, have an obligation to honestly and forthrightly address. And they're issues my office is working hard to tackle alongside our partners in the community, in law enforcement, and in government.**

**But there's one issue that can be addressed right now — the proliferation of guns, particularly assault weapons.**

**Here in Massachusetts, 10,000 assault weapons were sold just in the last year — each one nearly identical to the rifle used to gun down 49 innocent people in Orlando. In the week after the Pulse nightclub massacre, sales of weapons strikingly similar to the Sig Sauer MCX used at Pulse jumped as high as 450 percent over the previous week — just in Massachusetts.**

**It's no surprise the Orlando killer chose an AR-15 style assault rifle. It's a weapon of war, originally created for combat, and designed to kill many people in a short amount of time with incredible accuracy. It's in the same category as weapons chosen by killers in Newtown, Aurora, and San Bernardino. These are not weapons of self-defense. They are weapons used to commit mass murder. And they have no business being in civilian hands.**

**How in Massachusetts, then, home to some of the strongest gun laws in the country, do we allow people to buy these guns?**

**The gun industry has found a way to exploit our laws, a loophole of potentially horrific proportions. And it's time we act.**

**The Massachusetts assault weapons ban mirrors the federal ban Congress allowed to expire in 2004. It prohibits the sale of specific weapons like the Colt AR-15 and AK-47 and explicitly**

bans “copies or duplicates” of those weapons. But gun manufacturers have taken it upon themselves to define what a “copy” or “duplicate” weapon is. They market “state compliant” copycat versions of their assault weapons to Massachusetts buyers. They sell guns without a flash suppressor or folding or telescoping stock, for example, small tweaks that do nothing to limit the lethality of the weapon.

That will end now. On Wednesday, we are sending a directive to all gun manufacturers and dealers that makes clear that the sale of these copycat assault weapons is illegal in Massachusetts. With this directive, we will ensure we get the full protection intended when lawmakers enacted our assault weapons ban, not the watered-down version of those protections offered by gun manufacturers.

The directive specifically outlines two tests to determine what constitutes a “copy” or “duplicate” of a prohibited weapon. If a gun’s operating system is essentially the same as that of a banned weapon, or if the gun has components that are interchangeable with those of a banned weapon, it’s a “copy” or “duplicate,” and it is illegal. Assault weapons prohibited under our laws cannot be altered in any way to make their sale or possession legal in Massachusetts.

We recognize that most residents who purchased these guns in the past believed they were doing so legally, so this directive will not apply to possession of guns purchased before Wednesday. In the dozen years since the federal assault weapons ban lapsed, only seven states have instituted their own assault weapons ban. Many of those bans have been challenged (unsuccessfully) by the gun industry, and we anticipate our directive may be too. But our job is to enforce state laws and to keep people safe. This directive does both.

In the face of utter inaction by Congress, states have a duty to enact and enforce laws that protect people from gun violence. If Washington won’t use its power to get these guns off our streets, we will. Not only do we have the legal authority to do so, we have a moral obligation to do so.

*Maura Healey is the attorney general of Massachusetts.*