

HOUSE No. 4869

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 15, 2022.

The committee on Public Safety and Homeland Security to whom were referred the petition (accompanied by bill, House, No. 2439) of Marjorie C. Decker and others relative prohibiting ghost guns, so-called, that allow gun pieces to be legally purchased or made to create firearms that lack serial numbers, and the petition (accompanied by bill, House, No. 2491) of David Paul Linsky and others relative to 3D printed weapons and “ghost guns”, so-called, reports recommending that the accompanying bill (House, No. 4869) ought to pass.

For the committee,

CARLOS GONZÁLEZ.

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In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to 3D printed guns and ghost guns.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Section 121 of Chapter 140 of the General Laws, is hereby amended by
2 inserting after the word “detectors” in line 77, ““frame”, the part of a handgun, or variants
3 thereof, that provides housing or a structure for the primary energized component designed to
4 hold back the hammer, striker, bolt, or similar component prior to initiation of the firing
5 sequence (i.e., sear or equivalent), even if pins or other attachments are required to connect such
6 component to the housing or structure, including any such part (1) that is marketed or sold to the
7 public to be used in an assembled, operable firearm or (2) that can be readily converted for use in
8 an assembled, operable firearm.

9 Section 2. Section 121 of Chapter 140 of the General Laws is hereby amended by
10 inserting after the word “detectors” in line 77, the following: a firearm shall include any firearm
11 frame or receiver.

12 Section 3. Section 121 of Chapter 140 of the General Laws is hereby amended by
13 inserting after the word “tense” in line 133, the following: ““receiver,” the part of a rifle, shotgun,

14 or projectile weapon other than a handgun, or variants thereof, that provides housing or a
15 structure for the primary component designed to block or seal the breech prior to initiation of the
16 firing sequence (i.e., bolt, breechblock, or equivalent), even if pins or other attachments are
17 required to connect such component to the housing or structure, including any such part (1) that
18 is marketed or sold to the public to be used in an assembled, operable firearm or (2) that can be
19 readily converted for use in an assembled, operable firearm. The term shall not include a piece of
20 material that has had its size or external shape altered to facilitate transportation or storage or has
21 had its chemical composition altered.”

22 Section 4. Section 121 of Chapter 140 of the General Laws is hereby amended by
23 inserting after the word “lever” in line 165, the following: “‘variant’ and ‘variants thereof’ means
24 a weapon utilizing a similar frame or receiver design irrespective of new or different model
25 designations or configurations, characteristics, features, components, accessories, or attachments.

26 Section 5. Chapter 140 is hereby amended by inserting the following new Section after
27 Section 122D.

28 Section 122E.

29 (a) “assembly” or “assemble” means the fitting together of component parts of a firearm
30 to construct a firearm; but shall not apply to the restoration of antique firearms nor the
31 replacement of existing parts of a completed firearm so long as the parts are properly imprinted
32 with a serial number issued by the Department of Criminal Justice Information Services.

33 (b) “manufacture” means the newly fabricate or construct a firearm.

34 (c) No individual shall sell, deliver, or transfer a firearm unless the firearm is required by
35 law to be, and has been, imprinted with a serial number by a licensed importer, manufacturer, or
36 dealer of firearms pursuant to 18 USC 923(i), or with a serial number issued by the by the
37 Department of Criminal Justice Information Services as amended from time to time, and any
38 regulation adopted thereunder within.

39 (d) No individual shall purchase, obtain, or possess any firearm that is undetectable.
40 "Undetectable firearm" means a firearm that: (1) after removal of all parts other than major
41 components, is not as detectable as the Security Exemplar, by walk-through metal detectors
42 calibrated and operated to detect the Security Exemplar; or (2) includes a major component
43 which, if the firearm were subjected to inspection by the types of detection devices commonly
44 used at airports for security screening, would not generate an image that accurately depicts the
45 shape of the component.

46 "Major component" means the barrel, the slide or cylinder, or the frame or receiver of a
47 firearm.

48 "Security Exemplar" means the Security Exemplar fabricated in accordance with
49 subparagraph (C) of paragraph (2) of subsection (p) of 18 U.S.C. § 922

50 (e) No person shall use a three-dimensional printer to manufacture any firearm, or any
51 part or component that is intended to be used to assemble or manufacture a firearm, unless such
52 person possesses a federal license to manufacture firearms and operates in compliance pursuant
53 to 18 USC 923(i), as amended from time to time, and any regulation adopted thereunder within.

54 (f) No person shall distribute by any means, including the Internet, to a person in
55 Massachusetts who is not registered or licensed as a manufacturer, digital instructions in the

56 form of computer-aided design files or other code or instructions stored and displayed in
57 electronic format as a digital model that may be used to program a three-dimensional printer to
58 manufacture or produce a firearm, magazine, or firearm component if the distributor intends the
59 instructions to be used in commission of an act against the laws of the Commonwealth or knows,
60 or has reason to know, that the person receiving the instructions intends to use them in
61 commission of an act against the laws of the Commonwealth. As used in this subsection: “three-
62 dimensional printer” means a computer or computer-driven machine or device capable of
63 producing a three-dimensional object from a digital model; and “distribute” means to sell, or to
64 manufacture, give, provide, lend, trade, mail, deliver, publish, circulate, disseminate, display,
65 share, advertise, offer, or make available via the Internet or by any other means, whether for
66 pecuniary gain or not, and includes an agreement or attempt to distribute.

67 (g) The department of criminal justice information services shall develop and maintain a
68 system to distribute a unique serial number or other mark of identification to any individual
69 requesting such serial number or mark pursuant to this section, in accordance with applicable
70 federal laws and regulations. Upon an application made by a person for a serial number or mark
71 for a firearm pursuant to this section, which shall include any information required by the
72 department, the department shall confirm with the appropriate licensing authority that the
73 applicant is authorized to possess such firearm and possess a valid license or firearm
74 identification card as required under chapter 140. Upon issuance of a serial number or mark, the
75 department shall maintain identifying information of the person requesting the number or mark
76 and of the firearm for which each such number or mark is requested.

77 (h) Not later than ninety days after the effective date of this act, an individual who is in
78 possession of a firearm that has not been imprinted with a serial number by the department of

79 criminal justice information services, a licensed importer, manufacturer, or dealer of firearms
80 pursuant to 18 USC 923(i) shall notify the commissioner of the department of criminal justice
81 information services and provide any identifying information concerning the firearm and the
82 owner of such firearm pursuant to Section 128B of Chapter 140, shall apply for a serial number
83 or mark for a firearm pursuant to subsection (g), and within 30 days of receiving such serial
84 number shall imprint or have it imprinted upon the firearm.

85 (i) No individual shall knowingly, facilitate, aid, or abet the manufacture or assembly of a
86 firearm by an individual or for an individual who is otherwise prohibited by law from owning or
87 possessing a firearm.

88 (j) The department of criminal justice information services shall promulgate regulations
89 to carry out this section.

90 (k) The provisions of this section shall not apply to (1) the sale or transfer of a firearm to,
91 or to purchasing, obtaining, or possessing of a firearm by, a federally licensed firearm
92 manufacturer, importer, or dealer, or (2) delivery or transfer of a firearm to a law enforcement
93 agency.

94 Section 6. Chapter 269 of the Massachusetts General Laws is hereby amended by
95 inserting the following new Section after Section 10K

96 Section 10L.

97 (a) Any person who is found to have violated any provision of Chapter 140, Section 122E
98 of the Massachusetts General Laws shall be punished by imprisonment in the state prison for a
99 term of not more than ten years for each offense, or by not more than two and one half years in

100 the House of Correction or by a fine of not more than ten thousand dollars for each offense or by
101 both such imprisonment and fine.

102 (b) Section 26 of Chapter 218 of the General Laws shall be amended by inserting after
103 the words, “knowing the same to be forged”, the following words:

104 “a violation of Section 122E of Chapter 140 of the General Laws.”