

501 CMR 19.00: REGISTRATION OF FIREARMS

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.01: Purpose and Scope

- (1) In accordance with M.G.L. c. 140, §121B, 501 CMR ___.00 sets forth the electronic registration requirements for firearms through the MIRCS Firearms Licensing Portal owned and maintained by the Department of Criminal Justice Information Services (DCJIS).
- (2) 501 CMR ___.00 applies to the registration of all firearms possessed, manufactured or assembled in the Commonwealth, and all firearm transactions within the Commonwealth, including, but not limited to, all purchases, sales rentals, leases, loans or other transfers, including loss or theft of a firearm, other than those explicitly exempted by subsections (b) and (d) of section 121B of chapter 140 of the General Laws and 501 CMR___.00.
- (3) 501 CMR ___.00 does not address serialization of firearms requirements set forth in M.G.L. c. 140. See 501 CMR ___.00 for regulations relating to serialization of firearms.
- (4) Nothing in 501 CMR --.00 shall be interpreted to limit the authority granted to the Executive Office of Public Safety and Security or its Secretary, DCJIS or its Commissioner by the Massachusetts General Laws.

.02: Authorization

501 CMR ___.00 is promulgated pursuant to M.G.L. c. 140, §121B(f).

.03: Definitions

Assemble: To fit together a firearm's component parts; provided, however, that "assemble" shall not include firearms reassembly, repair of the fitting of special barrels, stocks, or trigger mechanisms to firearms, as defined in M.G.L. c. 140, § 121.

Firearm: 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 antique firearm or permanently inoperable firearms defined in M.G.L. c. 140, § 121.

Frame: 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, as defined in M.G.L. c. 140, § 121.

Individual: A natural person.

Manufacture: To fabricate, make, form, produce or construct, by manual labor or by machinery, a firearm; provided, however, that "manufacture" shall not include firearm reassembly, firearm repair or the making or fitting of special barrels, stocks or trigger mechanisms to firearms, as defined in M.G.L. c. 140, § 121.

Massachusetts Instant Record Check System (MIRCS): The automated system (and any successor system) owned and maintained by the DCJIS that provides on-line firearms licensing by licensing authorities and on-line reporting of gun transactions by gun dealers.

MIRCS Firearms Licensing Portal (MIRCS portal): The web-based system that allows users to electronically submit information to and/or request information from the DCJIS via the MIRCS. The MIRCS portal may be used to submit a firearms license application, check the status of a firearms license application, report a name or address change, obtain a firearms license PIN, request a unique firearms serial number, and register a firearm.

Nonresident: A person who is temporarily in the commonwealth but legally resides in another state or territory of the United States, as defined in M.G.L. c. 140, § 121.

Privately Made Firearm: A firearm manufactured or assembled by an individual who is not a licensed manufacturer; provided however, that "privately made firearm" shall not include firearms manufactured or assembled by person licensed under section 122 of chapter 140 in the course of their business activities, as defined in M.G.L. c. 140, § 121.

Receiver: 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, as defined in M.G.L. c. 140, § 121.

Requestor: Individual, entity, or manufacturer requesting a unique serial number from DCJIS via the MIRCS portal.

Valid serial number: An identifying number that has been: (i) placed on a firearm by a federally licensee authorized to serialize firearms or pursuant to the laws of any state or 26 U.S.C. 5842 and the regulations promulgated thereunder; or (ii) a serial number issued by the director of the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice or the department of criminal justice information services.

Unique serial number: A serial number issued by DCJIS via the MIRCS portal in compliance with 501 CMR___.00.

.04: Registration of Firearms

(1) To register a firearm the user must submit the following information:

- (a) Registrant's name;
- (b) Registrant's address,
- (c) Registrant's telephone number;
- (d) Registrant's email address;
- (e) Registrant's license, card, or permit type;
- (f) Registrant's license, card, or permit number;
- (g) Expiration date of the registrant's license, card, or permit;
- (h) Date the firearm was acquired;
- (i) Name and address of the source from which the firearm was obtained; and
- (j) Whether the firearm was privately made.

(2) To complete the registration process, the registrant must acknowledge under the penalties of perjury that they are properly licensed, permitted or exempted under the laws of the Commonwealth and are not otherwise prohibited from owning or possessing a firearm.

.05: Time of Registration

Registration shall be completed as follows:

- (1) Registration of firearms shall be completed at the time of import, purchase, acquisition, manufacture or assembly except as provided in 501 CMR __.07(2), (3), (4), and (5).
- (2) Firearms imported by a new resident may be registered within 60 days.
- (3) Firearms imported by a licensed dealer, gunsmith, distributor, or manufacturer may be registered within 7 days.
- (4) Firearms acquired by an heir or devisee through distribution of an estate may be registered within 60 days.
- (5) Firearms manufactured or assembled as a privately-made firearm may be registered within 7 days.

.06: Reporting of Firearm Transactions

All transactions involving a firearm within the commonwealth, including, but not limited to, all purchases, sales, rentals, leases, loans or other transfers shall be reported by all parties to the transaction via the MIRCS portal within 7 days of the sale, rental, lease, loan or other transfer.

No report shall be required for a loan of a firearm to a duly licensed or exempted person for a period of less than 7 days.

.07: Loss or Theft of a Firearm,

Any loss or theft of a firearm shall be reported by the owner thereof via the MIRCS portal within 7 days. The loss or theft report shall include the following information:

- (1) A description of the firearm;
- (2) Make of the firearm;
- (3) Model of the firearm;
- (4) Serial number of the firearm;
- (5) Caliber; and
- (6) Whether the firearm is large capacity.

DCJIS shall notify the licensing authority in the town or city where the owner resides and where the license, card or permit was issued via the MIRCS portal of the loss or theft report.

.08: MIRCS Portal Registration

- (1) All firearms must be registered via the MIRCS portal.
- (2) To access the MIRCS portal, a requestor must first register for a MIRCS system account at <https://mircsportal.chs.state.ma.us/mircs-portal>.
- (3) To complete the registration process, users must agree to the MIRCS Firearms Licensing Portal Terms and Conditions.

.09: Technical Requirements

To electronically register a firearm with DCJIS via the MIRCS portal, requestors must have access to the following:

- (1) An internet connection; and
- (2) Any type of computer or device capable of connecting to the internet.

.10: Exemptions

501 CMR __.00 does not apply to:

- (1) Firearms being delivered to law enforcement for the sole purpose of their destruction.
- (2) Firearms possessed by common carriers and their duly authorized employees and agents while performing the regular and ordinary transport of firearms as merchandise for customers licensed to permit such transport.
- (3) Firearms possessed by individuals lawfully traveling through the commonwealth in the care and custody of a nonresident owner provided that the firearms are stored in accordance with Mass. Gen. Laws. c. 140, § 131C and 131L.
- (4) Firearms that are property of the government of the United States.
- (5) Firearms produced by federally licensed manufacturers not for sale in the Commonwealth.
- (6) The reporting of firearms on loan to a duly licensed or exempted person for a period of less than seven (7) days.

.11: Violations

Whoever fails to register a firearm in accordance with M.G.L. c. 140, § 121B shall be subject to criminal penalties as provided for in M.G.L. c. 140, § 121B(e).

Whoever fails to report a transaction, loss or theft of a firearm shall be subject to criminal penalties as provided for in M.G.L. c. 140, § 121B(e)

Whoever violates M.G.L. c. 140, § 121B shall be subject to suspension or permanent revocation of their license, card, or permit.

___.16: Severability

If any provision of 501 CMR __.00, or the application thereof, is held to be invalid, such invalidity shall not affect the other provisions or the application of any other part of 501 CMR __.00 not specifically held invalid and, to this end, the provisions of 501 CMR __.00 and various applications thereof and declared to be severable.

REGULATORY AUTHORITY

501 CMR __:00: M.G.L. c. 140, § 121B