

The Civil Rights Coalition

Detailed Written Testimony

Analysis and Commentary of Proposed Massachusetts Firearm Regulations 501 CMR 19.00 & 501 CMR 20.00

501 CMR 19.00 – *Registration of Firearms*

Our Interpretation Summary: This regulation implements the mandate in M.G.L. c.140 §121B to create a **real-time electronic firearms registration system**. It requires that **all firearms possessed, purchased, imported, manufactured, or assembled in Massachusetts be registered via an online portal** maintained by the Department of Criminal Justice Information Services (DCJIS) malegislature.gov. Registration must occur **at the time of acquisition or creation** of a firearm, with grace periods for certain scenarios (e.g. new residents have 60 days; inherited firearms 60 days; dealer imports 7 days; privately-made firearms 7 days) malegislature.gov. **All firearm transactions** – sales, loans, leases, transfers – must be **reported by all parties within 7 days** via the electronic system (loans under 7 days are exempt) malegislature.gov. Any **loss or theft** of a firearm must similarly be reported within 7 days through the portal malegislature.gov.

The regulation specifies that **registration is exclusively electronic**: “All firearms must be registered via the MIRCS portal” and to use it one must have internet access and a capable device. **Exemptions** are provided for narrow categories (firearms delivered to law enforcement for destruction, firearms in transit by common carriers, nonresidents passing through under federal safe-passage laws, U.S. government property, federally licensed manufacturers’ inventory not for sale in MA, and short-term loans under 7 days). Violation of the registration or reporting requirements is a criminal offense – *failure to register or report a firearm transaction/loss/theft* can incur fines (up to \$1,000 for first offense) and escalating penalties to \$5,000 including imprisonment for repeat offenses malegislature.gov. Moreover, failure to comply can result in **suspension or permanent revocation of one’s firearm license or permit**. Below is an analysis of 501 CMR 19.00 by category:

1. Legal and Constitutional Conflicts

- **Second Amendment (Right to Bear Arms):** While this section of the regulation does not outright ban firearm ownership, The Civil Rights Coalition argues that this **universal registration mandate** places a material burden on the *core Second Amendment right* to keep and bear arms. Registration could be seen as a prerequisite to lawful possession, potentially chilling the exercise of the right. *NYSRPA v. Bruen* (2022) heightened the standard of review, any novel gun regulation must align with historical tradition. **Mandatory registration of all firearms has scant historical precedent**, which opens the door for constitutional challenge. There exists zero historical precedent in the State of Massachusetts for such a system. If the Commonwealth’s rationale is that this is an “Administrative” only function, this “Administrative” function fails that basic test, as such because it is so bureaucratic, so overwhelming that any reasonable person would have difficulty complying. Being such, it literally infringes on the US Constitutional Protections for the 2nd amendment and its fate under Bruen’s now required “historical test” is doomed.

- If the intent was to tackle so called “Ghost Guns”, existing Massachusetts Firearm laws require serialization and registration when it leaves the creators residence. Custom-made guns are subject to existing Gun Laws and are already covered once they leave the premises.
- **Fifth Amendment & Massachusetts Article 12 (Self-Incrimination):** The regulation conflicts with the **right against self-incrimination** as it effectively forces individuals to report past or present unlawful conduct. For instance, someone in possession of an unregistered or illegally held firearm is required to register it or face penalties, by registering, that person essentially **admits to possessing the firearm**, information that could be used to prosecute them for any prior illegality. This mirrors the issue in *Haynes v. U.S.* (1968), where the Supreme Court held that felons could not be required to register illicit firearms because it would violate the Fifth Amendment. **Massachusetts law attempts to avoid targeting truly illegal possessors** – registration is only available to those with a valid license or exemption malegislature.gov (a felon or prohibited person cannot lawfully register at all). However, a *licensed* gun owner who previously built or acquired a firearm outside of the old paperwork system (e.g. a home-built firearm pre-2024) could be placed in a Catch-22: if they now come forward to register late, they incriminate themselves for having an unregistered gun; if they do nothing, they violate the new law. **Without an immunity provision or amnesty, this aspect raises serious Fifth Amendment concerns. Article 12 of the MA Declaration of Rights similarly protects individuals from being “compelled to accuse or furnish evidence against themselves,” bolstering this conflict. Only the State Legislature can issue such an Immunity and being that no such immunity exists, this reason alone is enough to delay or suspend this Registration section.**
- **Americans with Disabilities Act (ADA) – Title II:** By making **online registration the exclusive method**, 501 CMR 19.00 **excludes or burdens people with disabilities**, raising a conflict with federal disability law. Title II of the ADA requires state programs and services to be accessible to individuals with disabilities ada.gov. If the MIRCS web portal and process are not fully accessible (e.g. to the blind, visually impaired, or those with cognitive or motor impairments), the state is in violation of the ADA. The regulation as written contains **no alternative accommodation** (such as a paper form or in-person registration option) for those who cannot use the digital system. **Failing to accommodate disabilities** in a mandatory government process is a form of discrimination. The **Supremacy Clause** comes into play here: federal law (ADA) preempts any state action that effectively discriminates against qualified individuals with disabilities.
- **Civil Rights Act of 1964 – Title VI (Language and Racial Equity):** Title VI prohibits any program receiving federal funds from discriminating on the basis of race, color, or national origin. A policy or action that has an unjustified **disparate impact** on protected groups can violate Title VI even absent intent. Requiring all firearm registration to be done online could disproportionately impact **immigrants and non-English speakers** if language support is not provided. The MIRCS portal is likely in English; if translations or interpreters aren’t available, those with limited English proficiency (a national origin characteristic) will struggle. Moreover, the **digital divide correlates with racial and ethnic disparities** – communities of color, low-income urban residents, and immigrants are less likely to have home internet or computers. commonwealthbeacon.org Massachusetts data show that those **lacking digital access are disproportionately BIPOC, immigrant, and low-income residents** commonwealthbeacon.org. If this regulation isn’t implemented with cultural and linguistic accessibility in mind (e.g.

multilingual instructions, outreach in diverse communities, partnerships with local advocates), it could face **Title VI challenges** for effectively disadvantaging certain racial/national origin groups in exercising their gun rights. The **Supremacy Clause** would render the regulation void to the extent it conflicts with Title VI mandates.

- **Age Discrimination Act of 1975:** This federal law forbids age-based discrimination in programs receiving federal assistance. The **elderly** are a group likely to be adversely impacted by an Internet-only registration system. Many seniors are **not digitally connected or literate**. In Massachusetts, as recently as 2018, nearly **29% of people over 60 did not use the internet** mabvi.org. Even today, a significant fraction of older gun owners may lack smartphones, home broadband, or the tech savvy to navigate online forms. A requirement to register online within a deadline, with criminal penalties for failure, **burdens seniors uniquely**, potentially constituting disparate treatment by age. If EOPSS or DCJIS receives any federal funding (which law enforcement agencies typically do), they must ensure older individuals have equal opportunity to comply. Without alternatives like paper registration or assistance programs, the regulation could run afoul of the Age Discrimination Act's intent to prevent policies that **effectively exclude older adults**. State authorities should be mindful that a lawsuit or federal funding complaint could arise if elderly gun owners are disproportionately penalized due to lack of digital access.
- **Supremacy Clause – Preemption by Federal Gun Laws:** Generally, states can enact firearms regulations that go further than federal law, but not ones that **conflict with federal statutes or the U.S. Constitution**. Potential preemption questions emerge: **Federal record-keeping prohibitions:** Congress has explicitly forbidden the federal government from creating a centralized firearm registry of ordinary guns (per 18 U.S.C. 926(a), sometimes called the Tiahrt Amendments in ATF funding riders). **If Massachusetts were to share its registry data** with other states, federal law enforcement agencies or give access to CJIS System data with federal authorities in any way, that helps create a de facto national registry. It would violate this Federal Law in spirit and use.

2. Ethical and Civil Liberties Concerns

- **Privacy and Surveillance:** A universal firearm registration requirement raises significant **privacy concerns**. Law-abiding gun owners will have all their personal identifying information and details of every gun they own entered into a government database malegislature.gov. **We find this intrusive and a violation to the Right of Privacy, the Right to Due Process, The Right from unlawful Search and Seizure protections**. Effectively, the government will know who owns what guns, when they were acquired, and from whom malegislature.gov. This concentration of data could be misused or politicized in the future. For example, gun owners fear that a registry could be a precursor to confiscation or targeted enforcement if political winds change. Even if one trusts current intentions, **data breaches** are an ever-present risk. A hack or inadvertent release could expose gun owners' names and addresses, which *both* violates privacy and pose a safety risk (e.g. criminals targeting homes known to have firearms).
- **In December 2012, The Journal News, a Gannett-owned newspaper** based in White Plains, New York, sparked a national controversy by publishing an interactive online map and article titled "The Gun Owner Next Door: What You Don't Know About the Weapons in Your Neighborhood." The map displayed the names and addresses of handgun permit holders in Westchester and

Rockland counties, totaling 33,614 individuals, obtained through Freedom of Information Act (FOIA) requests filed with county clerks' offices. Numerous gun owners, mostly seniors, had their homes broken into, guns stolen and were assaulted. Former Police Officers, who often had unlisted numbers for their safety and to avoid retaliation by criminals were exposed. Immediately, Internet Sleuths began to publish all publicly available data on the Senior Leadership of Gannett, The Journal News and their Board of Directors. Divorce Records, Probate, Estate, Arrests, Accidents, etc. On January 18, 2013, after 27 days, The Journal News removed the interactive database. The Lesson, just because you can do something... doesn't mean you should. Massachusetts has no laws preventing this scenario from occurring.

- **Civil Liberties – Treating Ordinary Gun Owners as Criminals:** We see mandatory registration as **criminalizing inaction** by peaceful citizens. Under 501 CMR 19.00, a lifelong law-abiding gun owner who simply fails to register their decades-owned shotgun by the deadline becomes a criminal subject to fines or even jail. This “*guilty-until-registered*” approach offends the sense of fair play. It flips the presumption – instead of requiring the state to prove someone is misusing guns, it requires every gun owner to affirmatively check in with the government or face punishment. Ethically, this can be viewed as a form of **collective punishment or prior restraint** on a constitutional right. It's akin to requiring all journalists to register with the state or all religious congregants to file their Bibles with authorities – measures that would be instinctively seen as liberty-infringing. Gun owners argue that their privacy and autonomy are being violated despite no wrongdoing on their part. Additionally, the requirement that the registrant sign an oath under penalty of perjury regarding their compliance with licensing laws malegislature.gov has a chilling effect – any mistake in the paperwork could potentially expose them to perjury charges, which seems heavy-handed. Overall, the ethical concern is that the regulation **treats a fundamental right as if it were a privilege** to be monitored, undermining the trust between citizens and government. The MA Declaration of Rights restricts these activities.
- **Forced Self-Incrimination and Amnesty Issues:** As discussed earlier, there's a moral issue in forcing people to choose between obeying the law and incriminating themselves. If the Commonwealth truly wants compliance (to get as many guns registered as possible), it faces an **ethical dilemma**: without offering an amnesty or assurance against prosecution for prior failures, some gun owners will just opt to *stay in the shadows*. This is especially true for any who possess firearms that were not previously tracked by the state's old transfer reporting system (the FA-10 forms). Ethically, if the goal is public safety and accurate records, the government should encourage coming into compliance, not use registration entries as leads for past violations. There is no indication in 501 CMR 19.00 of any **amnesty period or immunity** for late registrants, which may be seen as a punitive approach rather than a public-safety approach. If the repeal of Chapter 135 fails in November 2026, and the law is here to stay, The Civil Rights Coalition demands grandfathering of all firearms possessed prior to the law being made effective. In addition, grace periods with protections, so that people are free to do the right thing moving forward without fear. The lack of such provisions is a concern.
- **Disparate Impact on Vulnerable Populations:** The *practical* obstacles for certain groups (elderly, disabled, low-income) also carry an *ethical* weight. It is arguably unjust to impose complex digital requirements that **many vulnerable citizens cannot meet without help**. For example, an elderly veteran who served his country and has owned firearms safely for 50 years might now

be **penalized because he doesn't own a computer or smartphone**. Veterans in particular may feel insulted – after sacrificing for freedom, they're being asked to jump through hoops to "register" themselves like criminal suspects. Low-income individuals who live in neighborhoods without public Wi-Fi or cannot afford broadband could be forced to travel significant distances to somewhere with internet to comply. This effectively **taxes poverty** – those with means will find compliance easier, while those without will spend more time and effort or risk non-compliance. The regulation may inadvertently create a **two-tiered system** where the well-resourced comply and the marginalized are more likely to be deemed criminals for paperwork reasons. Ethically and from a civil liberties standpoint, this is troubling. The law fails in the principle of equal treatment.

- **Right to Privacy in the Home:** We also feel that a civil-liberties argument can be made that mandatory reporting of all firearm transactions, even purely private, intrudes on the **privacy of one's home and personal affairs**. The Massachusetts Declaration of Rights (Article 14) protects individuals from unreasonable searches and seizures – while registering a gun isn't a physical search, it is a form of **compelled disclosure of personal property held at home**. Some might analogize it to having to report to the state all books one owns or all communications one has – it feels like government overreach into private life. This philosophical objection ties back to the fundamental idea that owning a legal product in one's home (a firearm) should not require blanket disclosure to authorities absent cause. Requiring a law-abiding person to register their defensive firearm violates their **sense of security and anonymity** in exercising a constitutional right.

3. Practical and Implementation Challenges

- **Digital Divide – Access to Internet and Technology:** The **requirement of electronic registration via the MIRCS portal** poses a very practical challenge: not everyone has reliable internet or a suitable device. While Massachusetts has high broadband availability, about **15% of households lack a fixed broadband subscription at home**. Over **600,000 Massachusetts residents have no desktop or laptop computer at home** commonwealthbeacon.org. These tend to be concentrated in urban low-income areas and among seniors commonwealthbeacon.org. By requiring online registration, the state is effectively mandating that citizens have access to a computer or smartphone and internet data plan. The regulation itself bluntly says the person **"must have (1) an internet connection; and (2) any type of computer or device capable of connecting to the internet"**. This may sound simple, but for thousands of residents it is a real obstacle. Rural residents in Western MA might have limited broadband infrastructure, and inner-city residents might rely on prepaid mobile plans (not ideal for lengthy form submissions or scanning documents). The **timeline for compliance** adds pressure – if, for example, all existing gun owners must register their current firearms within one year of the system launching (as the Act's implementation schedule indicates malegislature.gov), there will be a rush.
- **Chapter 135 made government buildings and many grounds gun free zones.** With other municipal transactions that people engage in, people often go to their town departments for assistance. People without the internet often seek it out. Libraries could see a surge of people needing computer time; and not all library staff may be equipped to help with firearm registration forms, and there could be privacy issues filling out such forms on public computers. Police Depts might see people bringing in their weapons for help to comply with the new laws.

The Problem is... they will be violating the Gun Free Sections of Chapter 135 and subject themselves to possible arrest for seeking help in complying with these burdensome regulations. Essentially, the **logistical hurdle** is significant. Many will inadvertently fall into non-compliance simply due to the digital divide.

- **Digital Literacy and User-Friendliness:** Even among those with internet access, **navigating an online government portal can be confusing or intimidating.** The MIRCS (Massachusetts Instant Record Check System) portal is currently used for things like license applications and reporting private sales but expanding it to a full registration of all guns is a massive scale-up. **User error** is a real concern – mistyping a serial number, selecting the wrong firearm model from a dropdown, etc., could lead to bad data or even legal jeopardy for the user. Firearms come in many makes, models, calibers; the system must be robust in handling these inputs. Additionally, many older gun owners are not comfortable with extensive online forms. A **2021 Massachusetts report** noted that while interest in technology among older adults is growing, a significant portion still have limited skills and require training to use digital services [mabvi.org](https://www.mabvi.org). Expecting a retiree who may never have used e-commerce to now create an online account, upload personal identification, and fill out firearm details is challenging. There is also the issue of **account creation** – the regulation says the user must first register for a MIRCS portal account and agree to terms and conditions. If that system experiences glitches (e.g., confirmation emails not arriving, password resets failing), people will get stuck. Any downtime of the portal or bugs could result in missed deadlines for users. In short, the **human factors** of usability and computer literacy are major implementation challenges.
- **Volume of Registrations and Administrative Capacity:** Massachusetts has an estimated 1.2+ million firearms in private hands (rough estimate based on ~500k licensed gun owners, many owning multiple guns). Bringing all those into a new system in a short time is a **herculean administrative task**. The DCJIS must ensure the **servers and software can handle heavy load** – especially as deadlines approach, there could be tens of thousands of people registering guns in the same week. Any crashes or slowdowns could prevent timely compliance. The law (Chapter 135 of Acts of 2024) requires the **electronic system to be established by one year after the Act's effective date** and then gives gun owners **another year after that to register all firearms** malegislature.gov. A tight timeline means **testing and debugging** need to happen quickly. If the rollout is flawed, people will lose confidence or get frustrated. DCJIS will also likely receive **thousands of inquiries** (“How do I register X?”, “The system isn’t accepting my serial number”, etc.). They must have support staff or automated help in place. Additionally, **accuracy of data entry** is crucial – if data from old records (FA-10 forms) is being pre-loaded or cross-checked, there could be mismatches. For example, gun owners might think the state already has record of their firearm from a past sale record, but they likely still need to actively register it anew under the new system. Communicating these nuances clearly to the public is a challenge. Without clear guidance, the state risks either *over-compliance* (duplicates, errors) or *under-compliance* (people assuming they’re all set when they are not).
- **Enforcement Challenges:** Once the registration deadline passes, **how will the state identify non-compliance?** This is practically difficult and fraught with potential overreach. Massachusetts does have existing records of firearm sales and transfers (going back years in the dealer and private sale reporting system). In theory, the state can compile a list of

firearms *expected* to be registered (those known from prior records) and then flag ones that don't show up in the new system by the deadline. But those old records may be incomplete or inaccurate (e.g., people moved out of state with their guns, guns were sold out-of-state, or stolen years ago, etc.). Enforcement could mean **sending police to follow up** on guns that weren't registered. This is a huge task and could lead to confrontations or unjust accusations if records are wrong. In addition, the regulations threaten license suspension or revocation for non-compliance. Will the Firearms Records Bureau start pulling firearm licenses of people who didn't register all their guns? That could cascade – losing your license then makes possession of any gun illegal, compounding the person's legal jeopardy. Practically, the state will have to decide how aggressive to be. A heavy-handed enforcement (raids, revocations) would be very contentious, challenged and resource-intensive. From a budget standpoint, DCJIS will need funding for new personnel (IT specialists, support staff, compliance officers). The Small Business Impact Statement for 501 CMR 19.00 indicates some administrative burden, but the real strain is on the agency itself to implement a seamless system and to the best of our knowledge, the MA Legislature did not provide that funding to EOPPS.

- **Technical Feasibility and Security:** Building a secure, user-friendly web portal that interfaces with law enforcement databases is non-trivial. **#1) Is the existing MIRCS system and Portal using NIST-approved post-quantum algorithms encryption technology? *If the system is not, this section of the law needs to be suspended immediately for the safety of every gun owner in Massachusetts.*** #2) The MIRCS portal exists, but expanding its functionality (especially the **integration with a new “serial number request” system from 501 CMR 20.00** for privately made guns) is a project requiring robust testing. Data security is paramount – personal data and details about firearms must be protected against hacking or leaks. The state will have to follow best practices for cybersecurity (encryption, two-factor authentication, etc.). Any breach could not only harm individuals (as mentioned under privacy concerns) but also erode trust in the system. On a practical note, users will need to upload or input information like firearm make, model, serial, their license number, etc. There may be edge cases to handle: what if a gun has no serial (antique or defaced)? The law exempts pre-1900 antiques from the firearm definition, and pre-1968 guns without serials may be covered under the serialization exemptions malegislature.gov, but average users might not know how to classify those. The system must guide them (or the regulations must clarify the process, e.g., perhaps instructing users to obtain a serial via 501 CMR 20.00 if their gun has none, unless it's antique). Likewise, if a gun owner cannot find a prior owner's address for the registration info or exact acquisition date (some people have guns inherited long ago without clear records), will the system accept approximate or unknown values? These are nitty-gritty issues that can cause real headaches during implementation.
- **Cost to Individuals:** The regulation itself doesn't impose a fee. However, individuals will incur **direct and indirect costs**. For instance, if someone has no internet at home, they might have to **travel** (gas money, time off work) to a location that offers access. If they are not comfortable doing it themselves, they might pay a **FFL (gun dealer) or attorney** to assist in filing. There could even emerge cottage industries of “registration compliance consultants” – an unnecessary cost if the system were simpler. Additionally, if someone's license is expired or address out of date, they may have to pay to renew or update it before registering (since one must be properly

licensed to register a firearm, per law). All these small costs add up and disproportionately affect low-income gun owners. On the state side, the cost of building and running the system will be enormous. In the long run, a maintained registry could also impose ongoing costs for software updates, staffing, and auditing. If those costs are passed to gun owners in the form of higher license fees or new fees, that's another burden. In summary, while registration itself may be "free," compliance is not truly cost-free for everyone, and that's a real challenge if the goal is near-universal compliance.

- **Public Awareness and Education:** The requirement to register all firearms is a drastic, historic first kind of change in Massachusetts. Many casual gun owners (who perhaps bought a rifle years ago and rarely interact with the system) may not hear about it until it's too late. The law mandates an *outreach campaign* malegislature.gov, so the state recognizes this issue. There has been zero communication on this requirement. The state must communicate the **deadlines, steps, and consequences** in clear, non-threatening language to encourage compliance. Given the timeframe, that leaves about one year for outreach if the system indeed comes online by mid-2025. **It is simply not feasible.** Massachusetts could end up with tens of thousands of inadvertent lawbreakers come the deadline.

4. Comparison to Federal ATF Rules

- **Federal ATF Rules:** There is **no general federal requirement to register ordinary firearms**. Unlike Massachusetts' proposal to register all guns, federal law only requires registration of specialized weapons like machine guns, short-barreled rifles/shotguns, and suppressors under the National Firearms Act (NFA). For standard rifles, shotguns, and handguns, the federal system relies on point-of-sale background checks and dealer record-keeping, but **no centralized registry exists** by design – in fact, federal law prohibits creating one. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) does maintain some tracing capabilities (e.g. out-of-business dealer records and multiple-sale reports), but these are not accessible to rank-and-file officers in real time and are not comprehensive. So, 501 CMR 19.00's blanket registration is **far more sweeping than any federal requirement**. It goes beyond the ATF's "**destructive device**" registry model to encompass all guns.
- One area of indirect overlap is the requirement to report transactions: Federally, **licensed dealers must already run background checks and record sales on Form 4473**, which creates a paper (and now partly electronic) trail of gun acquisitions from dealers. Massachusetts' system will duplicate some of that information (for dealer sales, the sale gets reported into the state system too). For private sales, federal law does not mandate any reporting or even background checks (except in a few states that impose it at state level). Massachusetts already had a state-law requirement that all transfers be reported (the FA-10 system); 501 CMR 19.00 formalizes this into the new portal malegislature.gov.
- Most states have avoided full registration (partly due to political opposition and partly due to that federal prohibition mindset). **In summary, 501 CMR 19.00 is much stricter than federal practice. ATF's rule does not require individuals to mark or register their personal homemade guns** if they never enter the stream of commerce. Massachusetts, by contrast, *is* requiring that via its serialization regulation (501 CMR 20.00, discussed below).

Federal & State – Penalties: Massachusetts is penalizing mere paper non-compliance rather than possession of a dangerous weapon per se.

501 CMR 20.00 – *Serialization of Firearms*

Our Interpretation Summary: This regulation is the counterpart to the above, implementing M.G.L. c.140 §121C, which requires that **all firearms in Massachusetts bear a unique serial number**. In essence, **no firearm may be “untraceable”** – meaning no privately made or imported gun can lack an identifier. The law and regulation mandate that every firearm frame or receiver be **“conspicuously” and permanently marked** with a serial number meeting certain specifications (depth of at least 0.003 inches and characters at least 1/16” high) malegislature.gov. If a firearm is made of non-metal (polymer, etc.), the serial must be on a metal plate embedded in it malegislature.gov. This could be an impossible engineering task. **Privately made firearms (PMFs)** – i.e. guns assembled by individuals rather than manufactured by licensed companies – are a major focus. It is **illegal to possess, manufacture, or transfer any firearm that lacks a serial number (“untraceable firearm”) in the Commonwealth already** malegislature.gov, with a grace period given for certain cases (new residents or heirs bringing in unserialized guns have 60 days to serialize them; dealers/gunsmiths importing such guns have 7 days to serialize) malegislature.gov. Crucially, **before someone manufactures or assembles a PMF, they must request a Unique Serial Number from DCJIS**, then engrave that number on the firearm during the build, *and* register the finished firearm within 7 days in the new registration system malegislature.gov.

The regulation lays out the process for obtaining these serial numbers via an online **Serial Number Request System** integrated with the MIRCS portal malegislature.gov. To get a serial, the applicant must provide information (identity, firearm type, whether it’s privately made, and the method of manufacture like 3D-printing or kit) malegislature.gov. DCJIS will then issue a unique identifier through the portal. The firearm owner then has to **permanently mark the firearm with that serial number**. If a person **never uses an issued serial number** (decides not to build the gun), or if they want to transfer an issued number to someone else, what happens? There seems to be no rules for those scenarios.

Exemptions: 501 CMR 20.00 exempts similar categories as the registration rule – law enforcement-bound guns, common carriers transporting guns, nonresidents traveling through, U.S. government-owned guns, FFL-manufactured guns not for sale in MA – and notably adds **“firearms manufactured prior to October 22, 1968”** as exempt from the serialization requirement malegislature.gov. (1968 is the year the federal Gun Control Act began requiring commercial firearms to have serial numbers.) Thus, true antiques or vintage guns without serials can remain unmarked.

Penalties: The law makes violation of these serialization rules a serious offense – knowingly possessing an unserialized firearm is prohibited and would be punishable under the same scheme as failing to register, if not more severely for manufacturing one (often charged akin to possession of a defaced firearm or illegal weapon). With that overview, we analyze 501 CMR 20.00 as follows:

1. Legal and Constitutional Conflicts

- **Second Amendment – Right to Build Arms vs. Regulation:** The serialization mandate touches on the debated question of whether the Second Amendment protects the right to **self-manufacture firearms**.
- Historically, Americans have been able to make firearms for personal use without government approval, and we argue this is part of the “right to keep and bear arms.” The new law doesn’t outright ban making guns, but it imposes **pre-conditions (getting a serial number) and post-requirements (registration)** that will infringe on that right. Under *Bruen’s* framework of

historical tradition, ***Massachusetts cannot demonstrate or show analogous regulations from the founding or 19th century that required privately made guns to be marked or registered.*** Such historical analogues are not obvious – homemade guns were common on the frontier and were not serialized; serial numbers themselves became standard only in the late 1800s and federally mandated in 1968.

- Forcing citizens to engrave a government-issued number on their personally crafted arms is a form of **compulsory speech or branding** inconsistent with the freedom protected by the Second Amendment. A good analogy is license plates on cars vs. horses: cars (not fundamental right to travel by car) get plates, but one wouldn't require a person's horse or feet to be tagged for walking.
- **Article I, §8 and Supremacy (Federal Preemption by Gun Control Act):** One could question whether Massachusetts is stepping into territory that is federally occupied. The Gun Control Act of 1968 (and subsequent federal rules) set standards for **firearm serialization by licensed manufacturers and importers** but **explicitly allowed individuals to make guns for personal use without serials (provided they don't fall under NFA).** By requiring serialization of all firearms, Massachusetts is **more restrictive** than federal law. Federal law recognizes firearms **made before 1968** may not have serials and are legal.
- **Fifth Amendment (Self-Incrimination) – Guns Possessed Pre-Law:** A particularly thorny legal conflict is again the self-incrimination issue, now in the context of **already existing unserialized firearms**. Suppose someone lawfully built a firearm in, say, 2019 in Massachusetts. At that time, it was not illegal to do so (assuming they had the proper license to own it once made). That firearm, however, has no serial number and was likely not registered (because previously there was no mechanism to register a homemade gun – the FA-10 system required a serial number for entry, which many homemade guns lack, effectively leaving them off official records). Now the law says possession of that gun is illegal unless the person quickly gets a serial number and registers it malegislature.gov. But in doing so – applying for a serial – **they would be notifying authorities of an act (manufacturing a firearm) that at the moment of creation might have been lawful, but currently possession of the un-serialized frame is unlawful. It's a bit of a legal quandary: Are they admitting to current unlawful possession by requesting serialization?** The law's grace period via Section 158 of the Acts of 2024 suggests all firearms must be serialized within 1 year of the system being available malegislature.gov. The law's text in §121C(b) outright says no one shall knowingly possess an untraceable firearm (with limited exceptions) malegislature.gov. **There's no explicit immunity for coming into compliance.** This mirrors the classic *Haynes* scenario again. Ethically and constitutionally, can the state compel someone to put their name on a request that effectively says, "I have an illegal gun, please legalize it"? If that information were used to prosecute the person for possessing it unlawfully prior to serialization, it would violate the Fifth Amendment. Massachusetts courts or enforcers might adopt a policy not to do so (i.e., treat compliance as immunized), but without it in writing, the risk is there. **Thus, 501 CMR 20.00 has a built-in self-incrimination concern: forcing disclosure of an unregistered/unserialized firearm.** The **Massachusetts Declaration of Rights Article 12** offers similar protection.

- **Fourth Amendment – Search and Seizure (Related Enforcement):** While the regulation itself doesn't explicitly authorize searches, its enforcement could. If authorities suspect someone has an unserialized firearm, what steps can they take? They might seek a search warrant for the person's home to seize the contraband gun. Normally, just owning a gun isn't cause for a search, but owning an *unserialized* one now is illegal. We argue that the law creates opportunities for **pretextual searches** – if police have a list of who bought unfinished frames (maybe from an online seller's records or kits recovered elsewhere), they might knock on doors to check serialization compliance. This drifts into potential Fourth Amendment issues if done without proper cause.
- **Constitutional Vagueness or Overbreadth:** Another legal issue is that many of definitions or requirements are vague. For instance, the law says all firearms must be serialized and defines "firearm" to include unfinished frames that can readily be converted. If a person has a raw block of metal or a 3D printer file, at what point does it become a "firearm" that needs a serial? What about a firearm-like gadget that can't chamber standard ammo – does it need a serial number?
- **Americans with Disabilities Act & Civil Rights Laws:** The same concerns about ADA Title II, Title VI, and Age Discrimination discussed for the registration portal apply here as well. To obtain a serial number, one must **use the DCJIS online request system via the MIRCS portal** malegislature.gov – again a purely digital process. If a disabled person cannot navigate the website or the interface isn't accessible, that's an ADA violation. If a person with limited English proficiency can't understand the serial request form and no translation is provided, that raises Title VI issues of national origin discrimination. And older folks who prefer hands-on methods might be disadvantaged similarly. The regulation's **Technical Requirements** mirror those of 19.00: requiring internet and a device. So, the legal conflicts with federal civil rights statutes (ADA, etc.) are **equally present** in 501 CMR 20.00. For example, if a disabled hobbyist wants to 3D-print a firearm, how will they independently comply with requesting a serial if the site isn't screen-reader friendly? Or consider a low-income person who bought an unfinished receiver to build a budget home-defense gun – now they must not only have internet to get a serial but also have the means to engrave it (which may involve physical skill or money to pay a gunsmith).
- **Takings Clause (5th Amendment) – Property Rights:** The Civil Rights Coalition feels that forcing an owner to engrave their personal property is a form of **taking or property alteration mandated by the government**. As an example, someone has a collector's item gun (made post-1968 by a craftsman who didn't serialize, hypothetically) – engraving a serial might reduce its value or historical authenticity. Could that be a taking requiring just compensation?

2. Ethical and Civil Liberties Concerns

- **Privacy and Personal Autonomy:** The serialization requirement raises a fundamental question of personal freedom: **Should a citizen have to mark and report to the government a firearm that they create or own, even if it never leaves their possession?** Many gun owners feel that what they do in the privacy of their own workshop and what they keep in their home safe is their business alone. Mandating a state-issued serial number on home-built guns is an intrusion into personal autonomy and the privacy of one's hobby and property. It's one thing for commercial manufacturers to stamp numbers (they're making products for sale), but an individual making a firearm for themselves has a sense of it being *personal property akin to art*

they created. Ethically, forcing them to imprint a government tracking number on it is offensive to some – it's no longer wholly "theirs," as it now bears Big Brother's tag. The individual's right to be let alone to craft a tool for self-defense or sport, exceeds the state's desire to monitor and regulate.

- Privacy is also a concern in terms of the data collected: when one requests a serial, they must submit personal information and details about what they are building malegislature.gov. The regulation even asks "*the means and manner of its production*" – for instance, are you 3D-printing it? CNC-milling it? Some might ask, why does the government need to know *how* I'm making it, as long as it's serialized? That feels intrusive and potentially chilling (people might fear, perhaps not unreasonably, that indicating one is 3D-printing guns could draw extra scrutiny from law enforcement). **Ethically**, while the intent is to ensure traceability and maybe gather data on "ghost gun" proliferation, it comes at the cost of eroding the *privacy of innovation* – i.e., the freedom to tinker in one's garage without telling the government. Criminals will not report or serialize their ghost guns.
- **Chilling Effect on Law-Abiding Hobbyists:** Home gunsmithing and amateur firearm building have been lawful pastimes, involving craftsmanship and technical skill. By imposing bureaucracy (apply, wait for serial, engrave, register), the regulation might **discourage people from engaging in this lawful hobby at all**. Some might find it not worth the trouble or fear making a paperwork mistake that turns them into a felon. This could be seen as an ethical negative if one believes in the value of personal liberty and technical exploration. It also arguably stifles innovation – many firearm industry innovations started with tinkerers in garages. If every prototype needs a government serial before it's even built, that adds friction to innovation. This is the state asserting too much control over private workshop activities. It's comparable to requiring an amateur chemist to register every experiment or a 3D-printing enthusiast to register every new gadget they print if it resembles a regulated item. It rubs against the principle of freedom to create.
- **Impact on Specific Groups – Veterans, the Disabled, Low-Income:** The ethical concerns identified for registration largely carry over. **Disabled gun owners** might find the physical task of engraving a serial number daunting or impossible without help. For example, a veteran with a disability (perhaps an injured hand or arm) who wants to comply by serializing their home-built firearm will likely have to pay a gunsmith. Is it fair to impose that physical requirement? The regulation doesn't specify who must do the engraving – presumably the owner can have someone else (like a licensed gunsmith) do it for them, but that may involve temporarily transferring the firearm, which is another legal hoop (they'd likely need to do it under supervision or with a gunsmith who logs it in/out with a serial assigned). What if the gunsmith has a 8 day backlog? Do they have to report the "loan" thru the MICRS system? The **disabled and less mechanically skilled** are at a disadvantage: even if they can get the serial number from the state easily, actually stamping/engraving to the required depth and standard is not trivial. Ethical practice would demand the state facilitate compliance – maybe by arranging periodic "engraving events" where people can bring firearms to a location and get official help to engrave the serial. Without such support, some will be unable to comply through no fault of their own.

Veterans and seniors: Many older veterans might own war trophies or old build projects. While pre-1968 guns are exempt, a Vietnam veteran who assembled an M1911 pistol from surplus parts in the 1970s, for example, technically has a gun likely lacking a proper serial (or mismatched parts). Now in his 70s, he is told to engrave it. Beyond the physical task, there's an emotional aspect – that firearm might have sentimental value that he doesn't want altered. The ethical question: Should the state force that alteration or risk turning a veteran into a criminal over a keepsake? The regulation's blanket nature doesn't account for sentiment, only for pre-1968 manufacture. No legitimate public safety issue truly exists here.

Low-income individuals: The cost issue is pronounced here. To serialize a gun, one might need to buy a \$250 engraving tool, risk ruining the firearms value, or pay a professional. For someone scraping by, that's significant. The law is **economically discriminatory**, penalizing the poor more harshly. The effect is that wealthier hobbyists comply with some inconvenience, whereas poorer ones might decide to risk non-compliance or have to surrender their un-serialized guns (losing property with no compensation).

- **Trust and Relationship Between Citizens and State:** The serialization and registration mandates together mark a new level of state involvement in private gun ownership. **Ethically, this raises issues of trust.** Will the data be kept confidential? (If not, lists of who built what guns might leak, which could endanger owners or invite stigma.) Gun owners often have a skeptical view of government intentions; these regulations may exacerbate feelings that the government is hostile or at least overreaching. The State's approach of near-universal surveillance of guns is worrisome. **It flips the presumption of innocence – treating every firearm as suspect until it's numbered and logged.** That can corrode the social contract wherein citizens obey laws in part because they feel laws are just and fairly applied. If a significant number perceive these rules as punishing only the law-abiding (since criminals likely won't ever comply), it could lessen respect for the rule of law generally.
- Now at the public hearing stage, many are voicing that these provisions treat them more like potential criminals than partners in safety.
- **Potential for Selective Enforcement or Unintended Consequences:** We are very concerned about how these laws might be enforced in practice. If police come across an unserialized firearm at a crime scene, of course enforcement is straightforward. But what about proactively finding violators? There is a worry that enforcement could become **selective** or even discriminatory. A tool to silence political opposition? For instance, will enforcement focus on urban areas and communities of color (under the assumption ghost guns = crime guns), thereby subjecting those residents to more frequent checks or raids? That would raise serious equity issues and could worsen already strained police-community relations in some areas. Or could it be used as an add-on charge to **penalize otherwise lawful gun owners** who, say, made a paperwork mistake? For example, if someone defends themselves at home with a privately made firearm they hadn't serialized yet (perhaps because they were within the allowed 7 days of assembly, or maybe they missed it), would they face criminal charges for the serialization failure even if the shooting is justified? Ethically, punishing someone in that scenario would seem unjust, yet the law technically would allow it. **We maintain the position, that broad, poorly written laws give enforcers broad discretion – which can be abused or misused unconsciously due to bias.** Ensuring that enforcement of 501 CMR 20.00 is fair and focused on

genuine bad actors (like traffickers or those deliberately flouting the law) rather than honest citizens, is an ethical imperative that isn't directly addressed in the text of the regulation.

3. Practical and Implementation Challenges

- **Serial Number Request System – Development and Integration:** A new **Serial Number Request System** must be built and fully integrated with the firearms registration system malegislature.gov. This is a technical undertaking. Practically, DCJIS has to ensure that when someone requests a number, the system can verify their credentials (are they properly licensed? The regulation's section on "Firearms License Verification" presumably requires DCJIS to ensure the requester has a valid firearms license before issuing a serial). This cross-check with licensing databases must be seamless, or else people will face frustrating delays.
- **Moreover, this serial issuance is not a common service** – users might have questions like "I requested a number, when will I get it? Instantly, or after review?" The regulation doesn't specify if issuance is automated or if an official reviews each request. The **timeline** from the Act: DCJIS must establish the serial number system within 1 year of the act (by July 2025) malegislature.gov, and all firearms must be serialized within 1 year after the system is available (so likely by mid-2026) malegislature.gov. This means a flood of requests could occur in mid-2025 if many people have un-serialized guns to legalize. If the system crashes or there is a long queue, people may run out of time or get anxious. Also, receiving the number is only half the battle – the user then must physically mark the gun.
- **Compliance – Engraving or Marking Process:** One of the biggest practical challenges falls on the gun owners: **How to permanently engrave the serial number to spec.** The law's requirements (depth ≥ 0.003 ", size $\geq 1/16$ ", on a metal surface for polymer frames) match federal ATF standards malegislature.gov, which are quite exacting. Many hobbyists do not have the equipment to measure engraving depth or ensure font size. A basic etching tool or dremel might not achieve 0.003" consistently. Professional laser engravers or stamping machines can, but those are expensive or require hiring a gunsmith. This is a **non-trivial burden**: imagine a person with minimal tools trying to inscribe tiny text into steel – the result could be illegible or too shallow, technically not compliant. If a person botches the job and defaces the firearm (or worse, obliterates an existing number by mistake), they could make things worse (defacing a serial number is a crime on its own). So practically, many will have to seek professional paid help.
- **Coordination with Dealers and Smiths:** The law implicates FFLs in some ways. For instance, **a licensed gunsmith or dealer who imports or receives an unserialized firearm must serialize it within 7 days** malegislature.gov. That means gun shops need to be ready to engrave or stamp numbers or have a process to get a DCJIS serial and apply it. Not all dealers have the equipment, so some may refuse to handle any firearm that lacks a serial to avoid the hassle. This could affect customers – e.g., a person tries to bring a custom made gun to a gunsmith for repair today, some gunsmiths might refuse because under the new regime they'd have to serialize it and do paperwork. There's a **learning curve** and possible costs for these businesses to comply (they might need to buy engraving tools or update their own record systems). The regulation might clarify how FFLs get the serial (perhaps they too use the DCJIS portal to request on behalf of a customer).

- **Exemption Handling (Pre-1968 Firearms):** The exemption for pre-1968 manufactured firearms malegislature.gov is sensible, but practically, how does one prove a particular gun was made before that date if it has no serial? For instance, certain old shotguns or .22 rifles prior to GCA '68 sometimes lacked serial numbers as they weren't required. If an owner has one, they are exempt from needing to serialize it under §121C(g)(vi) malegislature.gov. But when they go to register it under 501 CMR 19.00, the system will ask for a serial number. How will that work? Possibly DCJIS will allow an entry like "NONE (pre-1968)" if the make/model year is known. This requires a bit of finesse in the registration database design. They may need a checkbox for "antique or pre-68 firearm without serial" so that the system doesn't flag it as an error and doesn't assign a violation. Communicating this to gun owners is also key – some might freak out thinking they must engrave grandpa's 1960 shotgun, when they do not.

The state should clarify to avoid people unnecessarily trying to serialize an antique (which could actually decrease its collector value significantly – that would be tragic and pointless). This is a minor but important practical detail to address via public guidance or FAQs.

Conclusion and Our Ask:

Criminals won't register or serialize guns. These rules do nothing to stop violence, instead... they give bad actors a road map to law-abiding owners' homes. A literal menu of where to rob, attack to get the firearms they desire. Whoever thought it was a good idea to capture all the private information and individual guns a person owns into a centralized, hackable database should be terminated.

It's insane and innocent, law abiding people will get killed by violent criminals.

EOPSS has previously suspended other Chapter 135 sections for being unworkable, unfunded and needing more time to deploy— we respectfully ask that you do the same here.

For all of the reasons above and the lack of Legislative Appropriations, we urge EOPSS to suspend 501 CMR 19.00 and 20.00 until the 2026 referendum is decided.

Sincerely
The Civil Rights Coalition

Sources:

- Massachusetts Acts of 2024, Chapter 135, §§ 32 & 33 (codified as M.G.L. c.140 §§121B & 121C) – establishing electronic firearm registration and serialization requirements malegislature.gov.
- Proposed 501 CMR 19.00 ("Registration of Firearms") – draft regulatory text outlining the scope, portal requirements, timelines, exemptions, and penalties for mandatory firearm registration malegislature.gov malegislature.gov communityfluency.com.
- Proposed 501 CMR 20.00 ("Serialization of Firearms") – draft regulatory text detailing the process for obtaining unique serial numbers from DCJIS, marking specifications, and required timing of serialization during manufacture malegislature.gov.

- Americans with Disabilities Act, 42 U.S.C. §12132 – (Title II) prohibiting disability-based discrimination in public services (implicates requirement for accessible online systems)[ada.gov](https://www.ada.gov).
- Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d – prohibiting federally-funded programs from practices with racially disparate impact (implicated by digital divide data: disproportionate lack of internet among BIPOC and immigrant populations)
commonwealthbeacon.orgcommonwealthbeacon.org.
- Age Discrimination Act of 1975, 42 U.S.C. §6102 – prohibiting age-based exclusion in federally assisted programs (implicated by disproportionate impact on seniors with low internet use)
mabvi.org.
- Haynes v. United States, 390 U.S. 85 (1968) – Supreme Court case holding that a felon could not be compelled to register an illegally possessed firearm due to self-incrimination (relevant to 5th Amendment concerns about forced registration/serialization).
- NYSRPA v. Bruen, 142 S. Ct. 2111 (2022) – Supreme Court case setting the “history and tradition” test for gun regulations (framework for Second Amendment analysis of registration/serialization requirements).
- Massachusetts Declaration of Rights, Articles 12, 14, 17 – state constitutional provisions on self-incrimination, search and seizure, and bearing arms for common defense (potentially applicable to these regulations).
- Commonwealth Beacon report on the digital divide in MA – statistics on broadband and computer access gaps by race, income, age
commonwealthbeacon.orgcommonwealthbeacon.org.
- Massachusetts Healthy Aging data report – statistic that only 71% of seniors 60+ used the internet as of 2018mabvi.org.
- Giffords Law Center & state statutes:
 - California Penal Code §29180 et seq. – California’s requirements for serializing self-made firearms (pre-approval and marking)oag.ca.govoag.ca.gov.
 - California DOJ “Unique Serial Number Application” guidelines – California’s implementation, including 2024 deadline for existing gunsoag.ca.govoag.ca.gov.
 - New Jersey Statutes (N.J. Stat. §2C:39-3(n), §2C:39-9) – New Jersey’s prohibition on untraceable firearms and penalties (no self-manufacture allowed without license)
giffords.org.
 - Connecticut Public Act 19-6 (2019) & 23-** (2023) – Connecticut’s ghost gun laws requiring serials from state police for homemade guns, including recent removal of grandfather clause (as referenced in news)reddit.com.
- Duke Center for Firearms Law analysis – noting a federal court’s refusal to enjoin CA’s ghost gun law post-Bruen firearmslaw.duke.edufirearmslaw.duke.edu.

- Reddit post (via BetterMAGuns) linking to the draft regulations – confirmation of the public hearing details and availability of draft text [reddit.comreddit.com](https://www.reddit.com/r/BetterMAGuns/comments/10j0k0k/draft-regulations-for-gun-control-in-massachusetts/).
- Commonwealth of Massachusetts Small Business Impact Statement for 501 CMR 19.00 & 20.00 – discussing expected effects on small businesses (indicates administrative burdens on gunsmiths, etc.) [sec.state.ma.us](https://www.sec.state.ma.us/SecDocs/SmallBusinessImpactStatement/501CMR19.00%2020.00.pdf).

EXHIBIT 1. The Digital Divide: A Barrier to Compliance

Digital Access Disparities and Legal Barriers to Mandatory Online Firearm Registration and Serialization

This exhibit supports The Civil Rights Coalition's testimony urging EOPSS to suspend the digital-only firearm registration and serialization mandates of Chapter 135 of the Acts of 2024 (M.G.L. c. 140, §§ 121B, 121C), implemented via 501 CMR 19.00 and 20.00. These provisions, requiring all firearms to be **registered and serialized through an online portal (MIRCS) by July 2026**, exclude vulnerable Massachusetts residents and violate federal law. We present evidence of digital access disparities and legal constraints, requesting immediate suspension to prevent discriminatory harm and support our push for repeal by November 2026.

1. Digital Access Disparities in Massachusetts

The digital-only requirements of §§ 121B and 121C assume universal internet access and digital literacy, but data reveal significant barriers for rural residents and key demographic groups, undermining compliance and fairness.

Urban vs. Rural Divide: Massachusetts boasts 99% broadband availability statewide, but that's misleading. In Eastern Massachusetts, Greater Boston is wired to the hilt. But head to Western Massachusetts—the Berkshires, the Connecticut River Valley—and it's a different story.

- While 99% of Massachusetts households have access to wired broadband, Western Massachusetts (e.g., Berkshires, Connecticut River Valley) lags behind Eastern Massachusetts (Greater Boston) in infrastructure and adoption (benton.org).
- In 2019, 30.5% of rural residents lacked home broadband, double the statewide average of 15.5% (1.009 million people) (americanimmigrationcouncil.org).
- Only 38% of rural residents face low broadband barriers (availability, affordability, adoption), compared to 53% of urban residents (benton.org).
- Rural households pay ~\$80/month for internet, often with lower speeds and outages, compared to \$75 statewide. Limited providers and training resources reduce digital literacy (broadband.masstech.org).
- Picture a farmer in Franklin County trying to register his hunting rifle on a dial-up connection that drops when it rains. It's not just inconvenient—it's impossible for many.

Demographic Gaps (2019–2022 data, Massachusetts vs. U.S.):

- **Seniors (65+):** 24.1% (371,000) lack home broadband, better than the national 32.6%. Many cite cost or lack of tech comfort, highlighting digital literacy issues (americanimmigrationcouncil.org, benton.org).
 - Many don't use the internet because they're not comfortable with tech or can't afford it (benton.org). Imagine a 70-year-old retiree in Springfield, a lifelong gun

owner, facing a \$1,000 fine because he can't navigate MIRCS. This isn't progress—it's punishment.

- **Veterans:** 21.6% (57,000) are offline, compared to 27.0% nationally, often due to age or disability. State programs have expanded access, but gaps persist (americanimmigrationcouncil.org).
 - Think of a Vietnam vet in Pittsfield, who served our country, now at risk of losing his license because he can't afford internet or figure out an online form. That's not how we honor our heroes.
- **People with Disabilities:** 29.0% (214,000) lack broadband, slightly better than the national 35.9%. Inaccessible online government services exacerbate barriers (americanimmigrationcouncil.org, broadband.masstech.org).
 - Disabilities like vision or motor impairments make standard websites unusable without assistive tech, and Massachusetts data show disabled users often find online government services inaccessible (broadband.masstech.org).
- **Low-Income Individuals:** 40.8% (169,000) at or below 150% of the Federal Poverty Level lack broadband, compared to 47.0% nationally. Cost is the top barrier, with 659,000 residents (mostly low-income) lacking computers or tablets in 2019. (americanimmigrationcouncil.org).
 - A single mom in Roxbury, scraping by, can't shell out \$80 a month to register her self-defense pistol. This system hits the poorest the hardest. (americanimmigrationcouncil.org, benton.org).
- **Racial and Language Minorities:** Under 90% of racial minorities have home internet, and 35% of those with limited English proficiency are offline (benton.org, americanimmigrationcouncil.org).
 - A Latino gun owner in Lawrence, struggling with an English-only portal, is set up to fail.
- **Statewide Context:** These disparities mean thousands cannot access MIRCS, facing penalties of \$1,000–\$5,000, up to 2.5 years in jail, or license revocation by July 2026 (§§ 121B(f), 121C(f), malegislature.gov). A rural farmer in Franklin County or a low-income single mom in Roxbury risks criminalization for lacking internet, not for misusing firearms.

These gaps aren't just statistics—they're people, your constituents, who can't comply with Chapter 135's digital Registration Mandate.

By November 2026, when compliance deadlines hit, thousands will face fines, license revocations, or felony charges—not because they're criminals, but because they're offline!

2. Legal Violations: A Discriminatory Disaster

This digital-only system doesn't just exclude people—it breaks federal law and undermines constitutional rights. Let's break it down, with citations to back it up:

Americans with Disabilities Act (ADA), Title II (42 U.S.C. § 12132): The ADA demands that state programs, like firearm registration, be accessible to people with disabilities. MIRCS must work with screen readers, be navigable for those with motor or cognitive impairments, and offer accommodations for those who can't use it (ada.gov). If a visually impaired veteran can't register his shotgun because the portal isn't ADA-compliant, that's discrimination, plain and simple. Without in-person or phone options, you're violating Title II, inviting lawsuits and DOJ scrutiny. A digital-only system that shuts out 29% of disabled residents isn't just unfair—it's illegal.

Civil Rights Act of 1964, Title VI (42 U.S.C. § 2000d): If DCJIS uses any federal funds—and let's be real, criminal justice systems often do—Title VI applies. It bans discrimination based on race, color, or national origin in federally funded programs (justice.gov). With racial minorities and non-English speakers less likely to have internet (under 90% and 35% offline, respectively, benton.org, americanimmigrationcouncil.org), a digital-only portal disproportionately harms them. A Black gun owner in Mattapan or a Spanish-speaking hunter in Holyoke shouldn't lose their rights because MIRCS is English-only or they can't afford broadband. This disparate impact violates Title VI, and you're risking federal enforcement or private lawsuits if you don't fix it with multilingual support and offline options.

Age Discrimination Act of 1975 (42 U.S.C. § 6102): This law prohibits age-based exclusion in federally funded programs (epa.gov). With 24.1% of seniors offline, many lacking digital skills (americanimmigrationcouncil.org), a web-only system effectively bars them from compliance. A 75-year-old in Fall River shouldn't face a felony because he can't use a computer. That's age discrimination, and it's on you to offer alternatives like mail-in registration to avoid breaking this law.

Voting Rights Act Analogies: The Voting Rights Act of 1965 banned literacy tests and devices that blocked voting (52 U.S.C. §§ 10301, 10501, archives.gov, uscode.house.gov). Requiring digital literacy to register a gun is a modern equivalent, conditioning a Second Amendment right on tech skills. Poll taxes were struck down in *Harper v. Virginia Bd. of Elections* (383 U.S. 663, 1966) because tying a right to wealth violates equal protection (supreme.justia.com). Forcing residents to pay for internet (\$75-\$80/month, benton.org) or a device to comply is a digital poll tax, hitting low-income folks hardest. These precedents scream that you can't make a constitutional right—like owning a gun—depend on resources or skills not everyone has.

Second Amendment and Constitutional Burdens: The Second Amendment, as upheld in *District of Columbia v. Heller* and *NYSRPA v. Bruen*, protects law-abiding citizens' right to keep arms. A digital-only system that prevents seniors, disabled individuals, or rural residents from registering—exposing them to \$1,000-\$5,000 fines, 2.5 years in jail, or license loss (M.G.L. c. 140, §§ 121B(f), 121C(f))—is an unconstitutional burden. In *Murdock v. Pennsylvania* (319 U.S. 105, 1943), the Supreme Court said you can't charge a fee to exercise a constitutional right (supreme.justia.com). Requiring internet or tech skills is no different—it's a hurdle that shuts out 15.5% of the state, undermining their rights (americanimmigrationcouncil.org). Courts could strike this down under strict scrutiny, and we're ready to challenge it if you don't act.

These legal violations aren't hypotheticals—they're happening now. A rural veteran in Great Barrington, a disabled hunter in New Bedford, or a low-income mom in Dorchester can't comply with your system, not because they're defiant, but because they're locked out. You're setting them up for punishment, and that's not safety—it's injustice.

We're here to ask that you suspend the firearm registration and serialization mandates in Chapter 135 of the Acts of 2024—M.G.L. c. 140, §§ 121B and 121C, implemented through 501 CMR 19.00 and 20.00.

Serialization: Doubling Down on Exclusion

The serialization mandate (M.G.L. c. 140, § 121C, 501 CMR 20.00) makes things worse, requiring every gun, including homemade ones, to have a DCJIS-issued serial number, applied for online and engraved to exact specs (0.003 inches deep, 1/16 inch tall, metal plate for polymers, § 121C(c)). A gunsmith in Chicopee needs internet to request a serial, tools to engrave it, and tech skills to register it within 7 days (§ 121C(d)). New residents get 60 days, dealers 7 days, and pre-1968 guns are exempt, but the penalties are brutal—\$1,000 fines escalating to \$5,000 and 2.5 years in jail (§ 121C(f), malegislature.gov).

The same digital divide—30.5% rural, 24.1% seniors, 29.0% disabled, 40.8% low-income offline—makes this impossible for many (americanimmigrationcouncil.org). Engraving requires expensive tools or hiring a pro, hitting low-income and disabled residents hardest. **This is well outside the Historical Norms of Firearm ownership in the United States of America and in the State of Massachusetts.**

A veteran with arthritis can't etch a serial, and a rural builder without broadband can't apply for one. The online-only process doubles down on ADA, Title VI, and Age Discrimination Act violations, and the constitutional burden is even clearer—conditioning a Second Amendment right to build a gun on digital access is indefensible.

Constitutional Protections for Fundamental Rights: Beyond statutory law, the Constitution itself limits unduly burdensome conditions on exercising rights. The Second Amendment (as incorporated to the states via the 14th Amendment) protects an individual right to keep and bear arms, and the Supreme Court has held that laws which significantly impede law-abiding citizens from exercising that right are suspect. If a digital-only system effectively prevents a segment of the population from registering or serializing lawfully owned guns (thus exposing them to legal penalties or forcing them to forgo ownership), a court could find it **infringes the Second Amendment**. Modern Second Amendment jurisprudence (e.g. *District of Columbia v. Heller* and *NYSRPA v. Bruen*) hasn't directly addressed online requirements, but it emphasizes that **citizens must be allowed to exercise the core right of gun ownership without unreasonable hindrances.**

It's notable that in other contexts the Supreme Court has disapproved of fees or bureaucratic obstacles on fundamental rights: for example, *Murdock v. Pennsylvania* (1943) struck down a licensing tax on Jehovah's Witnesses distributing religious literature, with the Court famously stating "

- **A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution."**supreme.justia.com. This principle – that you cannot condition a right on paying a fee or overcoming a needless hurdle – could be applied to a purely digital firearms registry. For instance, requiring citizens to have private high-speed internet (which costs money) and a certain level of tech proficiency in order to comply with gun laws might be viewed as an **unconstitutional condition** or **undue burden** on the right to keep arms (analogous to a fee or a test requirement).

Why Suspension Is Urgent

This system is a ticking time bomb. By July 2026, when compliance deadlines hit, thousands of law-abiding residents will face criminal penalties—not for misusing guns, but for lacking internet or tech skills. The 659,000 without computers, the 214,000 disabled offline, the 57,000 veterans disconnected—they're not criminals, but you're treating them like they are (americanimmigrationcouncil.org). The legal risks—ADA lawsuits, Title VI enforcement, Second Amendment challenges—are real and costly. And the practical fallout? A database that misses 15.5% of the population, undermining your safety goals, and a public that loses trust in EOPSS when they're fined for being poor or old.

Please, suspend M.G.L. c. 140, §§ 121B and 121C, and their regulations (501 CMR 19.00, 20.00). Save the Commonwealth millions of dollars in costs, labor and systems which has a 50/50 chance of being shut down in November 2026.

Sources:

American Immigration Council, "Examining Gaps in Digital Inclusion in Massachusetts" (Dec. 2022) (americanimmigrationcouncil.org).

Massachusetts Broadband Institute, Massachusetts State Digital Equity Plan (2023) (benton.org).

Benton Institute, "Massachusetts' Unified Vision of Digital Equity" (Feb. 2023) (benton.org).

Executive Office of Public Safety and Security, 501 CMR 19.00 & 20.00 (draft, 2025) (malegislature.gov).

42 U.S.C. § 12132 (ADA Title II) (ada.gov).

42 U.S.C. § 2000d (Civil Rights Act Title VI) (justice.gov).

42 U.S.C. § 6102 (Age Discrimination Act) (epa.gov).

Voting Rights Act of 1965, 52 U.S.C. §§ 10301, 10501 (archives.gov, uscode.house.gov).

Harper v. Virginia Bd. of Elections, 383 U.S. 663 (1966) (supreme.justia.com).

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