

MassSenate

SAFER Act: An Act to Sensibly Address Firearm Violence Through Effective Reform Fact Sheet & Highlights

Thanks to robust gun laws and investment in gun violence prevention, Massachusetts already has one of the lowest rates of gun violence in the nation. Senate bill S.2572, *An act to sensibly address firearm violence through effective reform*—the *SAFER Act*—builds on that strong foundation, updates state laws to reflect new technologies and trends, and makes the Commonwealth’s residents even safer without infringing on the rights of lawful gun owners.

Ghost Guns

The term ‘ghost guns’ refers to privately made firearms that are not marked with an appropriate serial number and are thus hidden from oversight and accountability. By making changes to our state’s definition of a firearm to better align with federal standards, and by ensuring accountability for those who hold the essential components to assemble a gun, this bill will make Massachusetts a leader in its efforts to crack down on illegal gun possession.

The bill aligns the state’s definition of a firearm with the federal definition of a firearm. Currently, the state’s definition of a firearm only applies to a fully assembled weapon that is capable of discharging a bullet. This means that if an individual without a license to carry has all the components to develop 10 different guns, if those components are not fully assembled into guns, that individual is considered to be in possession of zero guns under state law. This bill makes clear that if someone is prohibited from possessing a fully assembled firearm, they should also be prohibited from possessing the essential components of such a weapon.

This change is especially important in an age when privately made ‘ghost guns’ are becoming more common. These ‘ghost guns’ can be made using ready-to-build gun kits or 3D-printed gun parts. Because they are not marked with a serial number, ‘ghost guns’ are impossible to trace back to an individual purchaser when they are found at a crime scene. To address that, the bill would prohibit the 3D-printing of weapons unless the person owns a license to manufacture firearms and require any kit-assembled guns by a licensed gun owner to be registered.

Glock Switches & Trigger Activators

The bill makes a notable change to ban the ownership of devices that are specifically designed to make semiautomatic weapons more fatal. These devices go by a variety of names—including ‘Glock switches,’ ‘selector switches,’ and ‘auto sears’—but their goal is the same: to make a gun more dangerous by shooting more rapidly. This bill updates state law to ensure that ownership of these devices is prohibited in the Commonwealth. These devices are frequently being used in mass shootings across the state, such as the shooting at the Boston Caribbean Festival last August that left eight people injured.

Red Flag Law & Extreme Risk Protection Orders

The bill enhances the state’s red flag law, which allows a court to order an individual to surrender their license to carry firearms along with any firearms they possess when an individual poses a risk of physically harming themselves or others. First, the bill allows a health care provider to file a petition for an extreme risk protection order (ERPO) related to a patient that they have provided health care services to within the previous six months. Currently, only family members and police officers are able to file a petition for an ERPO. Second, the bill also makes a change by preemptively banning an individual subject to an ERPO from obtaining a license to carry for the duration of the order. Under current law, an individual may only be subject to an ERPO if they already possess a license to carry.

Harassment Prevention Orders

This bill protects survivors of abuse and sexual harassment by preventing individuals who are subject to harassment prevention orders from holding dangerous weapons. Currently, state law does not permit a court to order an individual to surrender their firearms if they are subject to a harassment prevention order. This stands in contrast to state law surrounding abuse prevention orders, which explicitly permits a court to order the surrender of firearms.

This gap in state law puts survivors of abuse and harassment at risk by allowing individuals who are subject to harassment prevention orders to continue to hold onto their weapons. This bill rectifies this problem by ensuring that in an instance when an individual subject to a harassment prevention order demonstrates a “substantial likelihood of immediate danger of harassment,” a court must order that individual to surrender their firearms.

Inspections of Gun Dealers

Under current law, local licensing authorities are required to annually inspect gun dealers that they have licensed. There have been instances in the past when those inspections have not occurred however. This bill directs the Secretary of Public Safety and Security to provide information to local law enforcement agencies on how to conduct those inspections, and to ensure that they are conducted on an annual basis. If a gun dealer is not inspected within the annual time frame, the bill directs the state police to conduct the investigation.

Gun Violence Prevention

The bill makes a number of changes to support gun violence prevention, with a focus on communities that have disproportionately been affected by gun violence. First, the bill creates a commission to study sources of gun violence prevention funding in Massachusetts and to recommend improvements to reduce the disproportionate impact of gun violence in communities of color. Second, the bill directs the Department of Public Health to develop a pilot program to promote gun safety awareness and firearms licensing education. Third, the bill establishes a task force to review the available sources of federal funding for community violence prevention programs, and to make recommendations for maximizing federal funding in the most equitable way.

Assault Weapons

Massachusetts already has in place an assault weapons ban. The state law related to this ban is outdated, however, referring back to a federal law that has since been repealed. This bill will modernize state law by codifying the assault weapons ban as it is currently being interpreted by the Attorney General, to ensure that our residents are kept safe from these weapons of war.

Gun Industry Accountability in Advertising

This bill prohibits the marketing of unlawful firearm sales to minors and allows industry actors to be held civilly liable if such marketing practices lead to an individual being harmed. Currently, gun industry actors are granted near-absolute immunity from civil litigation, making them one of the only industries to have such widespread liability protections. This bill would prohibit the gun industry from marketing unlawful firearms sales to minors and allow an individual harmed as a result of such unlawful advertising to instigate a civil action.

Firing at a Dwelling

Currently, there is no specific criminal charge for firing a weapon directly at a dwelling or a building in use. This bill creates a criminal charge for such a violation, making clear that firing a weapon at a dwelling or other building in use, with the intent of hitting that building, is a serious criminal offense.

Sensitive Places

This bill codifies measures to prohibit the carrying of firearms in courthouses and state and municipal administrative buildings. The bill, however, carves out police officers from the prohibition, while also granting individual communities the ability to opt out and choose to allow licensed gun owners to carry in their municipal government buildings.

Mental Health

This bill also makes changes to ensure that law enforcement agencies that issue licenses to carry firearms have the most up-to-date information related to temporary involuntary mental health hospitalizations. Specifically, the bill requires a law enforcement agency that is involved in the temporary involuntary hospitalization of an individual with a mental health condition to submit information related to the incident to the Department of Criminal Justice Information Services, which maintains an inventory of information relevant to the firearms licensing process. The bill maintains strong protections to protect privacy, preventing the sharing of clinical information and ensuring any information shared is used solely for the firearms licensing and sales process.

Data Collection

The bill requires more robust data reporting and analysis related to guns, to ensure that the Commonwealth identifies trends in gun violence. The bill builds on existing reporting and requires new data related to guns, including gun sales transaction data and firearms tracing data for guns that were involved in crimes. This report must study the relationship between firearms purchases and violent crimes and suicides, including whether there are specific gun dealers that are disproportionately more likely to have their guns be involved in violent crimes. In addition, the analysis must focus on whether a firearms license that was used to purchase a gun that later was used in a crime was also used to purchase or sell any other weapons. The information in this report is required to be made publicly assessable in an aggregate, non-identifying format.

Emerging Firearm Technology

To ensure the Commonwealth's laws remain up to date, the bill establishes a commission to study emerging firearm technology, with a particular focus on products and features that could increase safety, such as microstamping capabilities and personalized firearms.