

FAIRHAVEN POLICE DEPARTMENT

FIREARMS LICENSING

Applications forms for new license requests and license renewals are available at the front desk and may be picked up at anytime.

First time applicants are required to take a state approved basic firearms safety course. A copy of the certificate must be submitted along with their application at the time of applying.

The application process, including renewals, is expected to take 30 to 45 days. Applicants are advised to submit their applications at least 30 days prior to their expected expiration date.

Applications will not be accepted unless the Firearms Licensing Officer is present and scheduled for licensing on a particular day. The Firearms Officer is only scheduled for licensing when the Chief of Police determines that the officers patrol shift will be fully covered. If this is not possible, the officer will not be licensing and will be covering his shift on normal patrol

Important Firearms Licensing Information

On July 23, 1998, Chapter 180 of the Acts of 1998, which was effective October 21, 1998, was enacted. The statute made significant changes to the existing firearms laws in Massachusetts. According to the Governor, “ The Act strengthens the goal of the state’s firearms control legislation to limit access to deadly weapons by irresponsible people and to prevent the temptation and the ability to use firearms to inflict harm, whether negligently or intentionally, on oneself or another. The Fairhaven Police Department strongly recommends that anyone who either has a license to carry a firearm or is applying for such license read Chapter 180 of the Acts of 1998 carefully. A quick reference in the law is outlined below:

: All Licenses to Carry Firearms will expire on the expiration date currently listed on the license.

Firearm Identification Cards

If your current FID card does not have a fingerprint or a photo of you on it, then it is expired and you are required to renew it. Expired cardholders caught carrying a weapon can be subject to a fine up to \$5000 and /or arrest.

Many changes were made to M.G.L c. 140, the firearms laws, between 1998 and 2000. One of the later changes is one which now affecting Firearms Identification Card holders.

Chapter 180, section 73 of the Acts of 2000 extended the expiration date of FID cards issued between October 1999 and June of 2000. The schedule for the expiration is as follows:

- cards issued in October, November or December will now expire in the year 2004 (same month and day)
- cards issued in January, February or March of 2000 will now expire in the year 2005 (same month and day)
- cards issued in April, May or June of 2000 will now expire in the year 2006 (same month and day).

The FID card normally has an expiration date of not more than four years, or less than three years from the date of issue, and this legislation is the only exception to that rule. The purpose of this Act is to more evenly distribute, over four consecutive years, the number of renewals which would otherwise need to be processed every fourth year beginning in 1999, when the FID'S expired. If you happen to fall within this expiration period, please contact the firearms licensing officer on a scheduled licensing day. A letter showing that your FID card is still valid will be given to you. It is recommended that this letter be carried with you when carrying or purchasing. Please bring in you current FID with you when you meet with the firearms licensing officer.

New / Renewal Licensing Information

Application- Complete the application for New/Renewal of a Firearms Identification Card or a License to Carry Firearms. Provide all the information that is requested on the form. Failure to provide information or providing false information will result in the denial of the application and the police department seeking a criminal complaint in the District Court if the information is false.

Suitable Person- In order to be eligible to receive a new or to renew a LTC, an applicant must be deemed by the Chief of Police to be a suitable person. The Chief considers factors such as the applicants reputation in the community, his/her involvement in criminal activities that do not lead to arrest or conviction, association with known criminals, etc. In addition, the following statutory restrictions affect an applicant's suitability:

- a. Applicant was convicted or adjudicated as a youthful offender anywhere for:
 1. Commission of a felony or misdemeanor with a sentence greater than 2 years.
 2. Commission of a violent crime.
 3. Violation of any firearms laws punishable by imprisonment.
 4. Violation of any narcotics law.

- b. Applicant has been committed to an institution for mental illness.
- c. Applicant is being treated or confined for drug addiction or habitual drunkenness
- d. Applicant is under the age of 21
- e. Applicant is an alien of the United States
- f. Applicant is the subject to any Chapter 209A protective order in Massachusetts or similar domestic violence stay-away order in another state
- g. Applicant is subject to an outstanding arrest warrant
- h. Applicant was convicted of a misdemeanor offense punishable by imprisonment for more than 2 years

(With respect to an FID card only, a person who has been convicted of such offense may apply for an FID if 5 years has passed since such conviction and/or probation period, whichever occurred last)

- i. Applicant was convicted of a violent crime
- j. Applicant was convicted of a violent crime

Pursuant to Chapter 140 section 129B of the Massachusetts General Laws, the Chief of Police may not deny an applicant's request for a FID card unless he/she is subject to one of the statutory disqualifications listed above.

DISQUALIFYING CRIMES

Crimes Against the person

Assault
Assault & Battery
Assault & Battery on Ambulance Personnel
Permitting injury to a child
Gross Negligence by Common Carrier
Assault & Battery/Property Damage to Intimidate
Causing Injury in a Physical Fitness Program
Resisting Arrest

Crimes Against Property

Failure to report a Hotel Fire
Larceny from Common Carrier/ Business
Larceny under \$250 from Elder/Disabled Person
Shoplifting over \$250
Falsely Obtaining Commercial Computer Service
Receipt of Deposit by Insolvent Bank
Receiving Stolen Property Under \$250
False Statement to Motor Vehicle Insurer
Obstruction of Medical Facility- Subsequent Offense
Wanton Destruction of Property over \$250
Destruction Church/ School Property
Destruction of Jail Property

Motor Vehicle Offenses

Operating After Suspension for DWI/Motor Vehicle Homicide
DWI Alcohol
Motor Vehicle Homicide while DWI or while Operating to Endanger
DWI Serious Bodily Injury
DWI on a Vessel
DWI on a vessel with Serious Bodily Injury
Homicide by Vessel while DWI or while Operating to Endanger

(3) Residency: all applicants for a LTC or a FID must provide proof of residency or ownership of a business in the Town of Fairhaven

(4) Proper Purpose to Carry a Firearm- In the application you are asked to state your reason for requesting the issuance of a LTC. The new law establishes a Class "A" and a Class "B" license to distinguish between those persons entitled to possess, carry and/or purchase Large/Non-Large Capacity firearms or other guns.

**The Fairhaven Police Department only issues Class A
License to Carry**

Renewal of Expired LTC

If an applicant submits an application to renew a LTC that has expired by more than ninety (90) days, the rules and conditions governing the issuance of a new LTC will be used to evaluate the application.

Pursuant to Massachusetts General Laws, Chapter 140 section 131M, any person in possession of a firearm, rifle or shotgun whose license is invalid for the sole reason that it has expired, but shall not be disqualified from renewal upon application shall be subject to a civil fine of not less than \$500 nor more than \$5000

Certificate of Completion of a Safety Course

Each New applicant for a LTC or FID card (except an applicant for an FID card to carry mace or other chemical propellant ONLY) must successfully complete a safety course certified by the Department of State Police. The instructor must be certified by the State Police to teach the approved course.

(6) Abuse Prevention Restraining Order- Any applicant who is currently subject to an order of suspension or surrender issued pursuant to section 3B or 3C of Chapter 209A or a similar order issued by another jurisdiction, or a permanent or temporary protection order issued pursuant to Chapter 209A or a similar order issued by another jurisdiction, may not apply for a LTC or FID. Any applicant convicted of a misdemeanor involving domestic violence is prohibited from possession a firearm and will be denied a LTC.

(7) Spousal/Family abuse- Applicants who have a prior history of spousal or family abuse will be closely examined. Any evidence that is discovered indicative that the applicant represents a threat to the safety of his/her spouse or family shall be cause for denial of license, The absence of an abuse Prevention Order, standing alone, will not preclude an inquiry into an applicant's prior history of abuse.

Applicant Right to Appeal Chief's Denial to Issue or Renew a LTC or FID

You will be notified within 60 days if your application has been approved or denied. Massachusetts General Laws Chapter 140 section 131H provides that any applicant or holder aggrieved by denial, revocation or suspension of an FID or LTC has 90 days from the date he/she received notice of such denial, revocation or suspension, or 90 days from the expiration of the time limit during which the licensing authority is required to respond to the applicant to file a petition in the local District Court for judicial review. A person may not petition for judicial review if a hearing has previously been held pursuant to Massachusetts General laws Chapter 209A, the Abuse Prevention Statute.

Firearms Licensing Fee Increase.

July 8 2003, Chapter 140, sections 122,122B,129B,131,131A,131F and 131H have been amended to change the fee scheduled for Massachusetts Firearms Licenses. The fees collected from the licenses are generally allocated as \$50.00 for the Commonwealth, \$25.00 for the State licensing authority, and \$25.00 for the local licensing authority.

License fees are now as follows:

License to Carry Firearms: \$100.00, increase from \$25.00
Firearms Identification Card: \$100.00, increase from \$25.00
Restricted Firearms Identification Card (Chemical Propellants) \$25.00, renewals are free.
Dealers licenses (including gunsmiths) \$100.00, increase from not more than \$20.00 per year
License to sell Ammunition: \$100.00, increase from not more than \$25.00

This fee is non-refundable and must be payed at the time of applying. Check or money orders are accepted. Please make checks and money orders payable to the Town of Fairhaven. WE DO NOT ACCEPT CASH FOR PAYMENT.

Questions about Massachusetts Firearms Laws?

If you still have questions regarding the laws govern handling, transportation and licensing, you can contact ~~Sergeant Kevin Kiphan~~ at 508 997-7421. In addition, you can read the sections of Massachusetts General laws Chapter 140 (sections 121-131) and Chapter 269 (sections 10-12 and Chapter 180 of the Acts of 1998 that apply to firearms online by visiting the Massachusetts General Laws web site.