

# FIREARMS LAW UPDATE

A NEWSLETTER FOR THE MASSACHUSETTS GUN OWNER

## LEGAL SERVICES WHICH ATTORNEY COHEN PROVIDES:

- Legal Services for Ranges & Dealers
- Thorough Preparation of Firearms License Application Packages, to maximize your chance of success and avoid the subtle but serious "traps" in the application process
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- Emergency Legal Services
- Defense in Use of Force cases
- Legal Advice & Consultation regarding State & Federal Firearms Laws
- Representation before the Firearms License Review Board
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- Pardons & other Post Conviction Relief

## Published by:

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This free monthly publication is designed to educate and inform law abiding Firearms owners and enthusiasts about the complex firearms laws of the Commonwealth of Massachusetts.

If you have a firearms-related legal story or topic which you would like us to include in future issues, please e-mail Attorney Cohen.

## New Residents & Non-Residents:

### Statutory exemptions under certain circumstances

G.L.c. 140 § 129C prohibits the unlicensed ownership and/or possession of firearms, rifles, shotguns and/or ammunition. However, there is a 60 day grace period for certain individuals.

The "grace period" described herein applies to the following individuals:

1. New residents moving into the Commonwealth;
2. A resident of the Commonwealth who returns after having been absent for 180 consecutive days;
3. Any resident upon being released from active service with any of the armed services of the United States.

It applies to firearms, rifles, shotguns, and ammunition then in the individual's possession.

It applies for 60 days after release from the armed services or return or entry

into the Commonwealth.

The statute also allows, in part, for the following:

- Possession of rifles and shotguns and ammunition by nonresident hunters with valid nonresident hunting licenses during hunting season;
- Possession of rifles and shotguns and ammunition by nonresidents while on a firing or shooting range;
- Possession of rifles and shotguns and ammunition by nonresidents traveling in or through the commonwealth, providing that any rifles or shotguns are unloaded and enclosed in a case;
- Possession of rifles and shotguns by nonresidents while at a firearm showing or display organized by a regularly existing gun collectors' club or association.



***Firearms, rifles, shotguns, and machine guns must be “secured in a locked container or equipped with a tamper-resistant mechanical lock, or other safety device, properly engaged so as to render the weapon inoperable by any person other than the owner or other lawfully authorized user.”***

Attorney Cohen specializes in Massachusetts Firearms Law and represents individuals charged with unsafe storage of weapons.

It is important to fight this charge because an unsafe storage conviction is a LIFETIME DISQUALIFIER for Licenses to Carry Firearms.

## Comm. v. Parzick: Secure Storage Requirements

The legislature enacted G.L. c. 140 § 131L in 1998 to require firearms owners to securely store their firearms.

The law requires that firearms, rifles, shotguns, and machine guns must be “secured in a locked container or equipped with a tamper-resistant mechanical lock, or other safety device, properly engaged so as to render the weapon inoperable by any person other than the owner or other lawfully authorized user.”

The secure storage requirement does not apply to weapons carried or kept under the control of the owner or other lawfully authorized users.

This legislation raises several important questions for the law abiding gun owner. One important question is what qualifies as a “locked container?”

In the case of [Commonwealth v. Parzick](#), 64 Mass .App. Ct. 846 (2005), the Massachusetts Appeals Court stated, for the first time, what does not qualify as a “locked container.”

Defendant gun owner Stephen Parzick stored his rifles in his bedroom closet. The closet itself was not equipped with a

mechanical lock. However, when he was not at home, he barricaded the closet door with boxes and other items and locked his bedroom door.

That door was fitted with a knob lock that could be locked from inside the room. The lock was a bathroom privacy lock, which could be opened by inserting an object such as a bobby pin into the hole in the knob.

Mr. Parzick’s method of storage came to the attention of the police when Parzick’s rifles and other items were stolen.

The police charged Mr. Parzick with improperly storing his rifles, in violation of G.L. c. 140 § 131L.

Note: This crime is a felony if the weapons are “high capacity” or if they are kept or stored in a place where a person under the age of 18 may have access, without committing an unforeseeable trespass.

Parzick argued that his bedroom was a “container” under the meaning of the law and that his rifles were securely stored, because the door was locked.

Without deciding whether the bedroom qualified as

a container, the Massachusetts Appeals Court declared that Parzick violated the law because, although his bedroom was locked, it was not securely locked, as the law requires.

**G. L. c. 140, § 131L, requires guns to be maintained in locked containers in a way that will deter all but the most persistent from gaining access.**

Even a door locked with a key is not secure if the key is hanging next to the lock.

The Appeals Court declared that, “the defendant was in violation of G. L. c. 140, § 131L, because the lock was easily defeated by anyone with access to a bobby pin and did not prevent ready access by anyone other than the lawful owner.”

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## Menino proposes tougher gun laws

The Associated Press  
Jan 8, 2007 6:51 AM

**BOSTON** - Boston Mayor Tom Menino plans to propose legislation that would toughen the state's gun laws by suspending the driver's licenses and revoking the vehicle registrations of people convicted of firearms violations.

The aim is to reduce violent crime and warn police pulling over cars that the drivers may be carrying guns, according to Menino administration officials.

The measure is one of more than 60 bills Menino is proposing on Monday as part of his annual wish list for state legislation, which this year includes bills requiring fire sprinklers in all high-rise condominium buildings and allowing voters to cast ballots up to three weeks before elections.

"We believe our legislative package targets our overarching goals for 2007 and gives us better tools to serve the taxpayers of Boston," said Menino spokeswoman Dot Joyce.

There were 74 homicides in Boston last year, 54 of them shootings. That came on the heels of 2005 when there were 75 homicides, including 51 fatal shootings.

State law already allows the Registry of Motor Vehicles to suspend driver's licenses and revoke registrations of people convicted of drug charges and of convicted sex offenders who do not register with the state.

Menino's proposal would allow licenses to be suspended and registrations revoked, without a hearing, for up to five years for crimes including illegal possession of a gun or selling guns without a license.

Only a few of the bills the mayor proposes each year become law.

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### BASIC HUNTER EDUCATION COURSE NOW REQUIRED

Massachusetts now requires new hunters to pass a basic 15-16 hour course covering the safe handling of weapons and some of the ground rules for the sport before issuing them a license. Any adult who plans to purchase a

hunting or sporting license (the combined hunting and fishing license) must show either one of the following documents: a government-issued certificate from any state, Canada, or Mexico, showing that they have passed a basic hunter education course; or a previous hunting or sporting license from any state, Canada or Mexico. A state-issued firearms identification card or license to carry handguns will no longer be acceptable for purchasing a hunting license.

All minors (those aged 15-17) seeking a license must produce: a basic hunter-education certificate and a letter of consent allowing the minor to hunt from a parent or guardian; or, a consent letter which additionally says that the minor will be accompanied at all times by a licensed adult while hunting.

The free courses are held throughout the state. Visit [masswildlife.org](http://masswildlife.org) for the schedule or call the hunter-education program at: (978) 632-7648.

Attorney Jesse C. Cohen specializes in Firearms Litigation and represents gun owners as well as those seeking Licenses to Carry Firearms in Massachusetts.

Visit his website at

<http://www.attorneycohen.com>

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[JESSE@ATTORNEYCOHEN.COM](mailto:JESSE@ATTORNEYCOHEN.COM)

INCLUDE THE WORD 'SUBSCRIBE' IN THE SUBJECT FIELD.

## Wrong answer to gun law violations

January 9, 2007

Boston has young men in its poorer neighborhoods running around shooting one another, and the mayor thinks the answer is to take their driver's licenses away? ("[Mayor eyes new curb on gun law violators](#)," Jan. 8, Page A1)

Somehow I doubt that will strike fear into the hearts of people who are already ignoring our toughest-in-the-nation gun laws, not to mention all the other laws they are breaking at the same time (like murder). I can hear the conversation on the street corner now:

**"Sorry, man, I'd love to do that drive-by with you, but my license is suspended for another six months! Can you wait until August?"** And of course, they'd have to be convicted of a gun violation first. With the

number of these cases that go unsolved (for about 60 percent of last year's homicides in Boston, police have neither an arrest nor a suspect, according to the Jan. 3 editorial "[The Code of Death](#)"), this would be a non-issue for the people it is supposedly targeted at. The lack of will on the part of the City of Boston to do what is necessary to arrest these criminals is not justification for increasing the penalties for violations of the gun laws for the rest of the citizens of the state.

ARTHUR CABRAL  
West Bridgewater

I am positive that those who violate gun laws are terrified at the prospect of having their driving licenses and/or registrations revoked or suspended for being found in violation of gun laws. Mayor Menino's frustrations have exhibited his incompetence as a leader as exemplified by this proposal. People who will break a law already in place that carries a mandatory sentence of 18 months for possession of an

unregistered firearm surely do not care if they break motor vehicle statutes. Only when our fearless legislators show the courage needed to enact gun law legislation that provides five- or 10-year mandatory terms will criminals even start to think about getting caught with a gun. Further legislation should be enacted to make the manufacture of handguns illegal in the United States with exception for those manufactured for law enforcement and military; only then will we start to really confront gun crime.

THOMAS McMAHON  
Millis

### REMINDER

Your LTC expires on the anniversary of your birthday at least 5 years, but no more than 6 years, from the date of issuance.

There is a ninety (90) day grace period beyond the stated expiration date if you apply for renewal before expiration, unless your application is denied.

## **About Attorney Cohen & Associates**

### **FIREARMS LITIGATION & ADVOCACY**

Attorney Cohen and associate lawyers concentrate in the areas of firearms law, criminal defense, and civil litigation. Examples of their successes include:

- Obtaining Court Orders in District Court, ORDERING Chiefs of Police to issue Licenses to Carry
- Vacating offenses which are lifetime disqualifiers, so that clients can obtain LTCs
- Firearms Licensing Review Board Cases
- Preparing Convincing Application Packages resulting in the issuance of Class A Licenses to Carry Firearms for All Lawful Purposes
- Negotiating with Police Officials to obtain LTCs for clients without the need for hearings, even where the police department initially denied the client's application.



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