

COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

July 23, 2016

Attorney General Maura Healey
One Ashburton Place
Boston, MA 02108-1518

Dear Attorney General Healey:

We are writing to express our strong concerns about your decision to issue an Enforcement Notice relative to the sale and possession of firearms that are deemed to be “copies” or “duplicates” of guns banned under the state’s assault weapons law.

We are particularly concerned that your Enforcement Notice was issued unilaterally, with very little, if any, advance notice for licensed gun dealers and lawful gun owners to adequately prepare for this new interpretation of the 1998 assault weapons law.

For the last 18 years, the law has been implemented and enforced consistently, both by your office and your predecessors. Your new directive, which has been presented by your office as nothing more than a closing of “loopholes” in the current law, appears in fact to be much more than that: the enforcement of a whole new law that unfairly infringes on the Second Amendment rights of law-abiding gun owners in Massachusetts.

An e-mail sent by your office to the Legislature on July 21 – one day after the directive was issued – states that, “For many years, the gun industry has been marketing and selling what they describe as ‘Massachusetts compliant’ assault weapons, despite the fact that these guns are actually banned under existing state law.” If, in fact, these guns were actually banned under the 1998 law, then why has there been no prosecutorial action taken by your office or your two predecessors as Attorney General over the last two decades? What, exactly, has changed that led to your determination that these weapons were banned and being sold illegally all these years?

We believe your directive raises far more questions than it answers. On your website, for example, you acknowledge that there is not a list of weapons that are banned under state law, but suggest that your office “will work with gun dealers, as necessary, to help them identify the guns that meet one or both of the tests of a copy or duplicate.” Licensed dealers and gun owners are rightfully concerned about the ambiguity of the directive and the possibility that they could inadvertently violate its terms and thereby subject themselves to substantial penalties, including fines, imprisonment and license revocation.

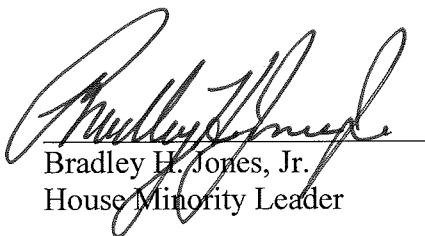
Furthermore, in providing guidance on the application of the Enforcement Notice to licensed gun dealers and individual gun owners, you have indicated that your office “reserves the right to alter or amend this guidance.” Given the confusion surrounding the most recent changes you announced this week, one can only assume that any future amendments would cause similar uncertainty and confusion, particularly if the interpretation of the law can change on a moment’s notice without first being subject to an adequate vetting process.

We want to be clear that we are not opposed to revisiting the state’s gun laws periodically to ensure that they are up-to-date and being properly enforced. In fact, the original assault weapons ban has undergone a number of revisions since its initial passage, most recently in 2014. However, we believe strongly that any such review should be accompanied by a rigorous debate of the Legislature, with full public input, before any changes are made to ensure that lawful gun owners have a clear understanding of the law and how it will be enforced.


We must therefore object in the strongest possible terms to both the substance of your actions and the manner in which you arrived at and implemented your decision. We thank you in advance for your consideration of our concerns, and hope you will reconsider your position and rescind your July 20, 2016 Enforcement Notice.

If you would like to discuss this issue with us, we would be happy to arrange a time convenient to your schedule.

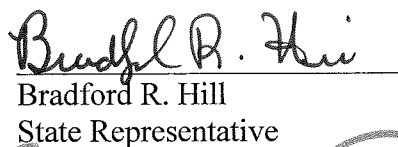
Sincerely,



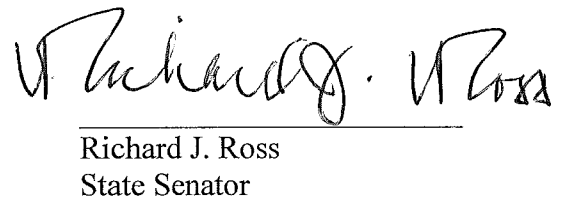
Bradley H. Jones, Jr.
House Minority Leader



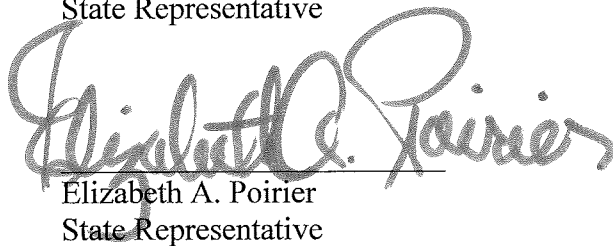
Bruce Tarr
Senate Minority Leader



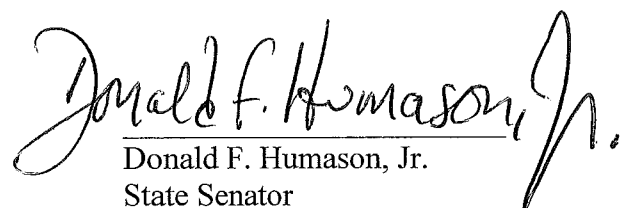
Bradford R. Hill
State Representative



Richard J. Ross
State Senator



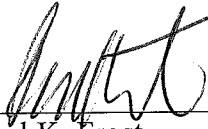
Elizabeth A. Poirier
State Representative



Donald F. Humason, Jr.
State Senator



Susan Williams Gifford
State Representative



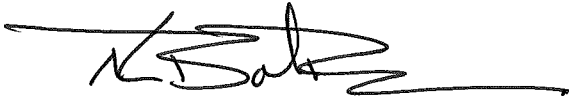
Paul K. Frost
State Representative



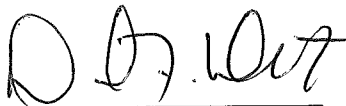
Todd M. Smola
State Representative



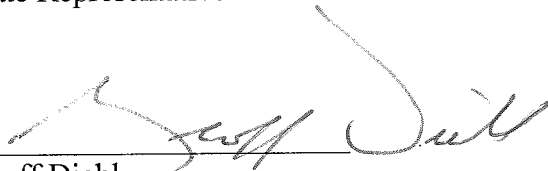
F. Jay Barrows
State Representative



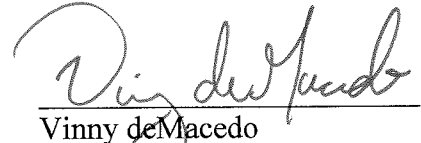
Nicholas A. Boldyga
State Representative



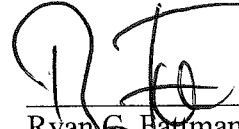
David F. DeCoste
State Representative



Geoff Diehl
State Representative



Vinny deMacedo
State Senator



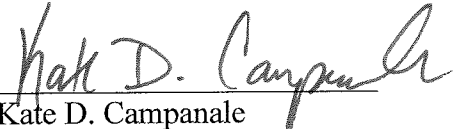
Ryan C. Fattman
State Senator



Patrick M. O'Connor
State Senator



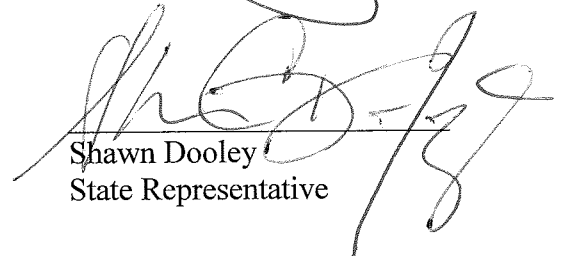
Donald R. Berthiaume, Jr.
State Representative



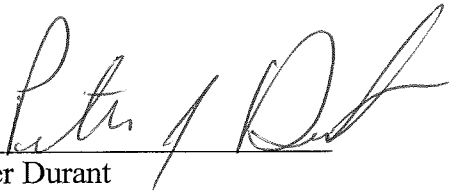
Kate D. Campanale
State Representative



Angelo L. D'Emilia
State Representative



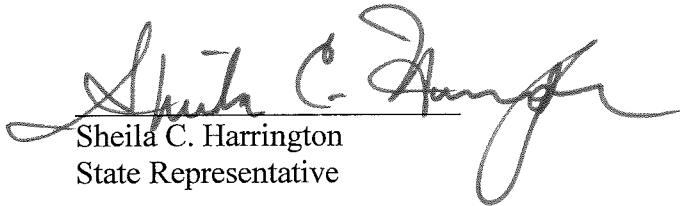
Shawn Dooley
State Representative



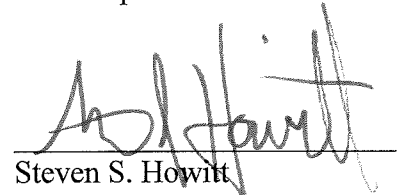
Peter Durant
State Representative



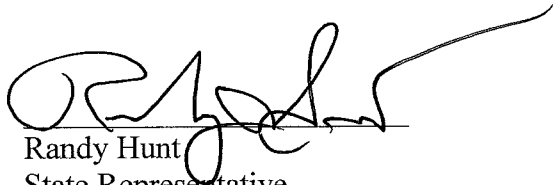
Kimberly N. Ferguson
State Representative



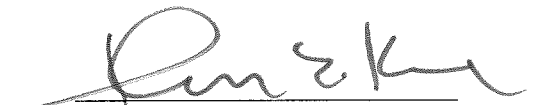
Sheila C. Harrington
State Representative



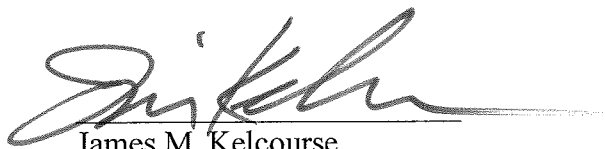
Steven S. Howitt
State Representative



Randy Hunt
State Representative



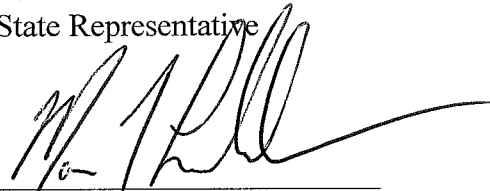
Hannah Kane
State Representative



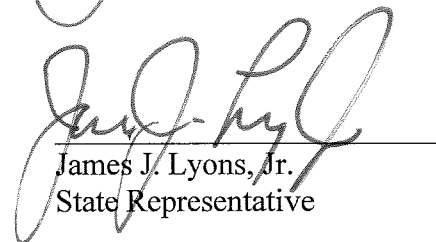
James M. Kelcourse
State Representative



Kevin J. Kuros
State Representative



Marc T. Lombardo
State Representative



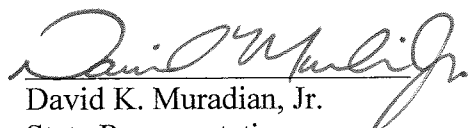
James J. Lyons, Jr.
State Representative



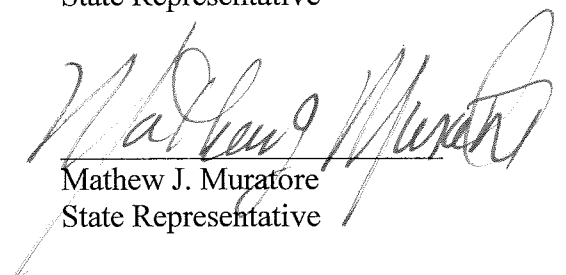
Joseph D. McKenna
State Representative



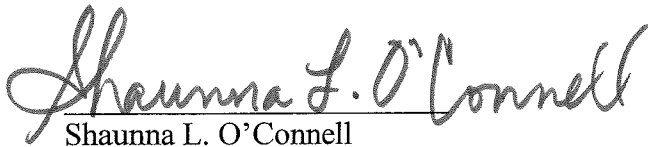
Leonard Mirra
State Representative



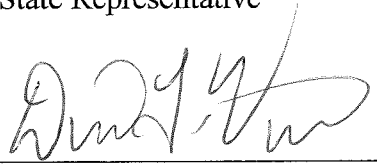
David K. Muradian, Jr.
State Representative



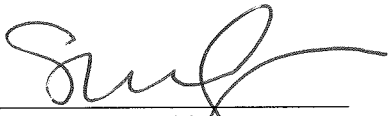
Mathew J. Muratore
State Representative



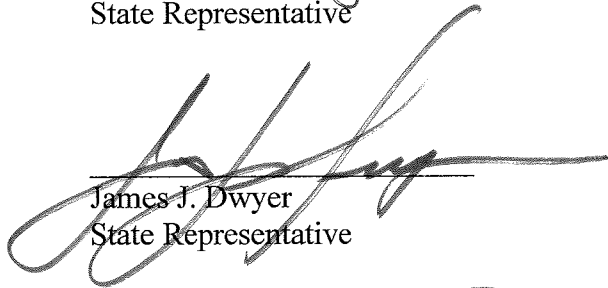
Shaunna L. O'Connell
State Representative



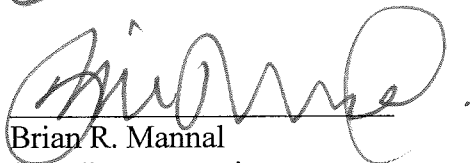
David T. Vieira
State Representative



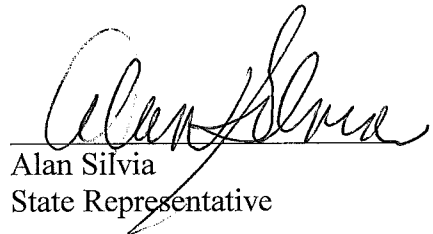
Susannah M. Whipps Lee
State Representative



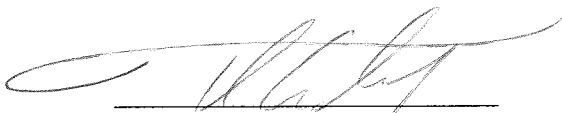
James J. Dwyer
State Representative



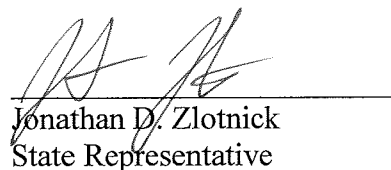
Brian R. Mannal
State Representative



Alan Silvia
State Representative



Thomas A. Golden, Jr.
State Representative



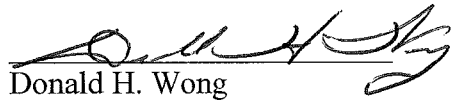
Jonathan D. Zlotnick
State Representative



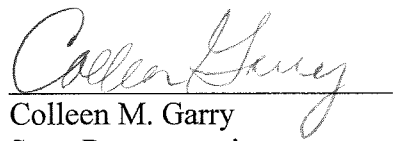
Keiko M. Orrall
State Representative



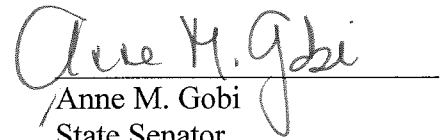
Timothy R. Whelan
State Representative



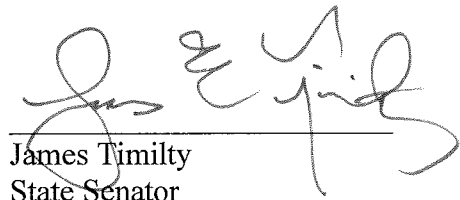
Donald H. Wong
State Representative



Colleen M. Garry
State Representative



Anne M. Gobi
State Senator



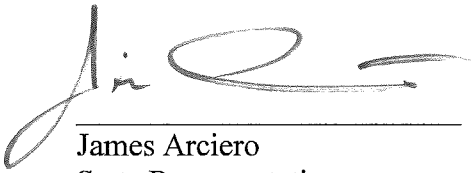
James Timilty
State Senator



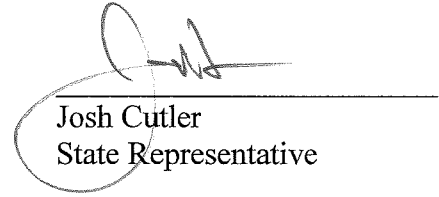
Thomas J. Calter
State Representative



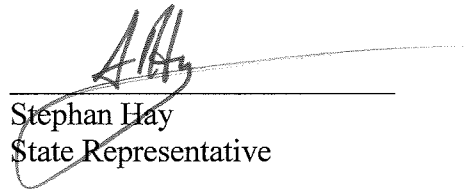
John C. Velis
State Representative



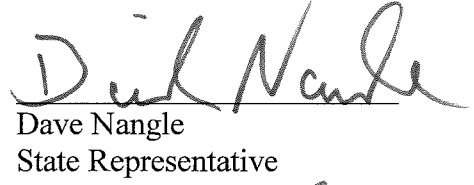
James Arciero
State Representative



Josh Cutler
State Representative



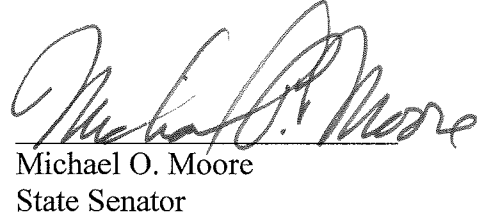
Stephan Hay
State Representative



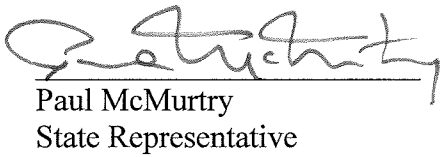
Dave Nangle
State Representative



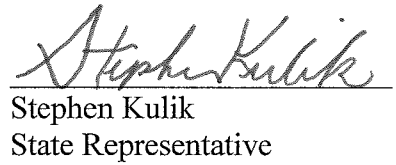
Jennifer L. Flanagan
State Senator



Michael O. Moore
State Senator



Paul McMurtry
State Representative



Stephen Kulik
State Representative