



Winchester Police Department

Peter F. MacDonnell

Chief of Police

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www.winchesterpd.org

FIREARMS LICENSING POLICY

AND PROCEDURES

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Dear Winchester Residents and Business Owners:

In Massachusetts, in order to lawfully purchase or possess a large capacity handgun, shotgun or rifle, a person must have a License to Carry Firearms. (LTC). As the local licensing authority for the Town of Winchester, I have the responsibility to issue the license.

Any individual who possesses a firearm or firearms without the proper card or license may face fines or possible prison time.

Massachusetts is a “may issue” state for the issuance of licenses to carry firearms, meaning that I, as local licensing authority, have discretion in determining whether or not to issue a license to an applicant. I may deny the application or renewal, if the applicant is statutorily disqualified or, in the reasonable exercise of my discretion, I determine that the applicant is unsuitable to carry a firearm. The determination of unsuitability will be based upon reliable and credible information provided by both the applicant and the Commonwealth.

I cannot emphasize enough that the first and critical step is the application. The application must be complete and accurate.

The following narrative will hopefully walk you through the process in Winchester and answer your questions as to the current process and procedures in effect.

If you have additional questions, you should contact the Winchester Police Department for clarification.

Sincerely yours,

Peter MacDonnell

PART I APPLICATION PROCESS AND PROCEDURES

SECTION 1: NEW APPLICANTS/RESIDENTS

New Applicants for the License to Carry must complete and sign a license to carry firearm application which may be picked up at the police station at any time or downloaded from our departmental forms page. (See application form section below). All questions on the application must be answered completely. The application must be typed or printed and signed by the applicant. Incomplete or illegible applications will not be processed.

Massachusetts law provides that any applicant who knowingly files an application containing false information can suffer criminal penalties and such information shall be just cause for denial or revocation of the application or license to carry.

To accommodate recent changes in state regulations, all applications must be submitted to the office of the Chief of Police, 30 Mt. Vernon Street, 2nd floor, in Winchester during the following times: Monday-Friday between the hours of 8:30am-3:30pm. Upon receipt, the Licensing Coordination will verify all proper documents have been provided and you will be contacted for an appointment for fingerprints and photos which will be taken at the Winchester Police Department on Thursdays by appointment only.

Once the application is submitted, the Chief of Police as local licensing authority, has 40 days to approve or deny the license. If the license is denied, the Chief of Police will notify the applicant of the reason or reasons of such denial in writing.

The Coordinator may be reached at 781-729-1341 or through the general police department administrative number 781-729-1214 with any application questions. **Do not call on 911.** If the application is not complete you will be notified what information is needed to complete the application. Your application will NOT be processed until it is complete.

On the day/time of your appointment, **do not bring any weapons, including firearms to your appointment.**

NOTE

Question #5. ***Have you ever been arrested or appeared in court as a defendant for any criminal offense?*** NOTE: Operating a motor vehicle without a license, operating a motor vehicle after suspension/ revocation, operating an uninsured motor vehicle are all criminal offenses. Speeding, red light infractions, etc. are not.

Question #10. ***Have you ever been CONVICTED as an adult or adjudicated a youthful offender or delinquent child in any state or federal jurisdiction?***

You must answer if you have ever appeared in any court as a defendant for any criminal offense. Any arrest must be specified. The disposition of the case does not matter. Even if the case was dismissed, continued without a finding, not guilty, etc. it must be documented. Failure to answer this question truthfully may result in denial, suspension or revocation. It may also result in criminal prosecution for failing to answer truthfully.

You must document any appearance regardless of what you may have been advised to the contrary.

Sealed cases must also be documented. We will be notified if a case was sealed. Juvenile appearances as a criminal defendant are required to be documented and are not exempt.

Applications are signed under the penalties of perjury. Failure to answer truthfully is a criminal offense under Massachusetts General Law Chapter 140 section 129 and 131.

The following documents and information will be required at the time of application:

- New applicants /new residents must supply a copy of his/her birth certificate, a valid passport or Certificate of Citizenship.
- New applicants/residents must supply a copy of his/her Massachusetts Driver's License or Massachusetts ID card with an address in the Town of Winchester.
- New applicants/residents must submit a written and signed statement explaining his/her reasons for wanting the License to Carry a firearm.
- New Applicants/Residents must submit two (2) letters of recommendation describing applicant's character and behavioral tendencies. Letters from family members, relatives are not acceptable. These letters should be signed, dated, and contain the address and phone or cell number of the submitter.
- New Applicants/Residents will be photographed and fingerprinted.
- New Applicants/Residents requesting a License to Carry for employment purposes must provide a letter from an employer on company letterhead requesting that the License to Carry be issued stating that applicant is **required** to carry a firearm in the performance of his/her job at the company.
- New Applicants/Residents must supply a copy of his/her Hunter Safety Course or Firearm Safety Course Certificate certified by the Massachusetts State Police and taught by a Massachusetts State Police Instructor. (Massachusetts Environmental Police Hunter Safety Course does not satisfy this requirement.)
- Live fire component safety course is preferred.

SECTION 2 RENEWAL APPLICATIONS

Once issued, a Massachusetts license to carry firearms is valid for up to six years from the date of issue.

To renew an expiring license, applicants must submit an application to the Winchester Chief of Police for the renewal prior to the expiration date of the license then in force.

Only applicants for FID and LTC renewal who submit an application to the Winchester Chief of Police PRIOR TO EXPIRATION of their current license will have an indefinite grace period in which their current license will remain valid after expiration. This grace period will remain in effect until the submitted application for renewal is either approved or denied. If the application for renewal is not submitted prior to expiration of the current license, the license will expire and no longer will be valid and an application for a new FID or LTC will need to be applied. The current license remains valid until the renewal is either approved or denied. Additional training is not usually required.

The following documents and information will be required at the time of RENEWAL application:

- Must supply a copy of his/her birth certificate, a valid passport or Certificate of Citizenship.
- Must supply a copy of his/her Massachusetts Driver's License or Massachusetts ID card with an address in the Town of Winchester.
- Submit a written and signed statement explaining his/her reasons for wanting the License to Carry a firearm.
- Provide two (2) letters of recommendation describing applicant's character and behavioral tendencies. Letters from family members, relatives are not acceptable. These letters should be signed, dated, and contain the address and phone or cell number of the submitter.
- All renewal applicants will be photographed and fingerprinted.
- All RENEWALS requesting a License to Carry for employment purposes must provide a current letter from an employer on company letterhead requesting that the License to Carry be issued stating that applicant is **required** to carry a firearm in the performance of his/her job at the company.
- Renewal must supply a copy of his/her Hunter Safety Course or Firearm Safety Course Certificate certified by the Massachusetts State Police and taught by a Massachusetts State Police Instructor. (Massachusetts Environmental Police Hunter Safety Course does not satisfy this requirement.) ONLY IF NOT ORIGINALLY ISSUED IN THE TOWN OF WINCHESTER.
- **Renewal applications must also include a signed Affidavit form (included with application and available on forms page).**

SECTION 3 Application Fee Schedule

- Class A, License to Carry Firearms Large Capacity = \$100.00
- Class C, Firearms Identification Card = \$100.00
- License for all Law Enforcement Personnel = \$ 25.00
- LTC/FID New or Renewal (70 and older) = (No Charge)
- LTC Law Enforcement Retired = \$25.00

Payments must be made by check or money order payable to the Town of Winchester. Cash or credit cards will not be accepted. Rejected or denied applications will not receive a refund. The purpose of the fee is to support the administrative operation and labor costs associated with the process.

PART 2 DEPARTMENTAL APPROVAL PROCESS

The purpose of the approval process in evaluating the applications for Licenses to Carry Firearms is to insure that the safety of the public and the licensees are protected. In order to insure such safety, the Chief of Police as the local authority shall issue permits in strict adherence with the Massachusetts General Law Chapter 140 Section 131. When reviewing an application for issuance, the Chief of Police may issue a license to carry if the applicant is not a "prohibited" person as defined by MGL 140 section 131 (d) and based upon a determination that the applicant is a "suitable" person.

A "suitable person" has been defined as a person who is sufficiently responsible to be entrusted with a license to carry a firearm.

An applicant shall be denied a license if he/she:

- is under the age of fifteen (a person fifteen to eighteen years of age may apply for a Firearms Identification Card (FID) only);
- is a person between the age of fifteen to eighteen years of age and fails to present written consent from his/her parent or legal guardian (applies to applications for FID cards only);
- is under the age of twenty-one at the time of application (applies to Class A and B Licenses to Carry);
- is an alien who does not maintain lawful permanent residency;
- does not reside or have a place of business within the Town of Winchester;

- has been convicted of a felony, or a misdemeanor punishable by more than two years imprisonment, a violent crime, or a weapons or drug offense;
- has been confined to a hospital or institution for mental illness and fails to present a written affidavit from a physician stating they are not disabled by such illness in a manner that prevents him/her from possessing a firearm;
- is or has been under treatment for, or confinement for, drug addiction or habitual drunkenness, unless deemed cured by a physician;
- is subject to an outstanding warrant in any state or federal jurisdiction;
- is a fugitive from justice;
- is a citizen of the United States that has renounced that citizenship

With regard to proper use and purpose, the statute grants to the Chief of Police as local licensing authority the discretion to place restrictions relative to the possession, use and carrying of a firearm as he/she deems proper.

PART 3: LICENSE RESTRICTIONS

Every License to Carry will specifically state the use and purpose. Licenses may reflect specific use or purpose as described below:

1. NONE- issued for all lawful purposes with no restrictions
2. TARGET AND HUNTING- Restricts possession to the purposes of lawful recreational shooting or competition; for use in the lawful pursuit of game, other animals and birds; for personal protection in the home; and for purposes of collecting.; includes travel to and from activity location.
3. SPORTING- Restricts possession to the purposes of lawful recreational shooting or competition; for use in the lawful pursuit of game, other animals and birds; for personal protection in the home; and for purposes of collecting; and for outdoor activities such as hiking, camping, cross country skiing , or similar activities. Includes travel to and from activity location.
4. EMPLOYMENT- Restricts possession to business owner engaged in business activities or to an employee while engaged in work related activities, and maintaining proficiency, where the employer requires carrying a firearm. As stated above, a written verification stating need on official letterhead of the company shall be submitted with the application. Includes travel to and from activity location
5. OTHER- The Chief of Police creates a restriction he/she deems proper.

PART 4: APPEAL PROCESS TIME TABLE

Massachusetts General Law 140 Section 131 (f) provides that any applicant or holder aggrieved by a denial, revocation suspension or restriction placed upon a license may within either 90 days after receiving notice of denial, revocation or suspension or within 90 days after the expiration of the time limit during which the Chief is required to respond to the applicant, or in the case of a restriction, any time after a restriction is placed on the license, may file a petition to obtain judicial review in the Woburn District Court.

PART 5: GENERAL INFORMATION

- CHANGE OF ADDRESS

A holder of a Winchester License to Carry who moves out of the Town of Winchester, must notify, in writing, the Chief of Police of Winchester, the Chief of Police into whose jurisdiction the holder has moved and the Commissioner of the DCJIS. The notification to all parties must be made by certified mail within 30 days of the change of address.

- STORAGE OF FIREARMS AT HOME

All guns must be stored in a locked container or equipped with a tamper-resistant mechanical lock or other safety device. Antique or primitive firearms are exempt from this storage requirement. Firearms should be stored unloaded, separately from ammunition.

- SAFETY LOCKS

Massachusetts Law states that all sales of firearms and large capacity weapons **must** include a safety device approved by the State Police.

- TRANSPORTATION OF FIREARMS IN MOTOR VEHICLES

The laws for transporting a firearm can be confusing. Basically, if you keep the firearm unloaded, and locked in a case in the trunk or rear storage compartment of a truck or SUV, you will comply with the current law.

-Handguns: The license holder is allowed to transport a handgun in a motor vehicle, if the handgun is under his/her direct control. If not under his /her direct control, or is left unattended in the vehicle, it must be unloaded and in a locked case, locked trunk, or other secure container.

-Rifles and Shotguns: The license holder transporting rifles/shotguns must transport them unloaded and in a locked case, locked trunk, or other secure container. Non large capacity rifles/shotguns must be transported unloaded but are not required to be in a locked case, although it is recommended.