

Impacts of Recent Supreme Court Decision On Massachusetts Firearms Licensing for Police Departments

On June 23, 2022, the United States Supreme Court issued its widely anticipated firearms licensing decision in [New York State Rifle & Pistol Association v. Bruen](#), which concerned a New York firearms licensing law requiring applicants to demonstrate “proper cause” to obtain a permit to carry a concealed firearm.

This case is of significant importance to Massachusetts firearms licensing authorities, including municipal chiefs of police, in Massachusetts. As you may know, the [Bruen](#) case challenged New York state’s requirement that firearms applicants demonstrate “proper cause” in order to obtain a permit to carry a concealed weapon in most public places. In its decision, the Supreme Court ruled that New York’s proper-cause requirement for obtaining an unrestricted license to carry a concealed firearm violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms.

In Massachusetts, as police chiefs and local firearms licensing officers know, G.L. c.140, §131(d) allows a licensing authority to issue a license to conceal carry if, among other requirements, it appears that “the applicant has good reason to fear injury to the applicant or the applicant’s property or for any other reason....”. At issue in [Bruen](#) was a similar provision of New York law requiring applicants for concealed weapons licenses to demonstrate a special need for self-protection *distinguishable* from that of the general community. Specifically, the Supreme Court held in [Bruen](#) that the “proper cause” requirement violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense.

After the Court’s ruling in [Bruen](#), the Attorney General and the Executive Office of Public Safety and Security issued a *Joint Advisory Regarding the Massachusetts Firearms Licensing System*, found [here](#), advising Massachusetts firearms licensing authorities that they should no longer deny, or impose restrictions on, a license to carry because the application lacks a sufficiently “good reason” to carry a firearm. The *Advisory* further provides that if the licensing authority determines that an applicant is not “prohibited person” or “unsuitable”, the applicant must nevertheless be issued an unrestricted license to carry. The state further emphasized that the Firearms Identification Card process is unaffected by the [Bruen](#) decision.

Following this decision, it remains unlawful in Massachusetts to carry a firearm without a license, and the “prohibited person” and “suitability” provisions of G.L. c. 140, § 131 have not been impacted by the [Bruen](#) decision. Lastly, in light of the [Bruen](#) decision, any restrictions appearing on an individual’s License to Carry limiting an individual to carrying a firearm only for such activities as hunting, target shooting, employment, or the

like—are likely no longer enforceable. Local police chiefs should review such practices in light of the Bruen case on any restricted licenses.

For further information on the Bruen decision’s impact on Massachusetts firearms licensing matters, please contact your KP Law attorney or e-mail KP Law Attorney Janelle Austin at jaustin@k-plaw.com.

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