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# 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
- Skilled Negotiation and Advocacy on your behalf with the licensing authority (police department)
- Petitions for Judicial Review & Appeals of Firearms License Denials
- Criminal Defense
- Emergency Legal Services
- Defense in Use of Force cases
- Legal Advice & Consultation regarding State & Federal Firearms Laws
- Representation before the Firearms License Review Board
- Sealing & Expungement of Criminal Records
- Pardons & other Post Conviction Relief

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## Emergency Legal Services

As a law abiding gun owner, you have made an effort to understand the firearm laws as best you can. You have spent your time and money on the best equipment and training available. You have done everything you can to ensure the safety and well being of your loved ones. Now you owe it to yourself to obtain legal protection and peace of mind.

**If you use your firearm in self-defense, you will need the best legal defense. No one should face the aftermath of a shooting without the counsel of an attorney. What you say will be used against you.**

Defending yourself or your family with a firearm may bring a succession of traumatic events. You may expect to:

- Be considered a suspect in a homicide investigation;
- Be interrogated by the police at the scene;
- Have your license to carry suspended or revoked;
- Face a lawsuit from the "victim's" family.

**Plan includes:**

- **24-hour on call service with personal response to the scene of any critical incident.**
- **Exclusive availability to answer all firearms legal questions as they arise.**
- **Negotiation and advocacy with the licensing authority with regard to suspensions, revocations and denials of LTCs and FIDs.**

**Cost of this plan is a flat fee of \$250 per year.**

For more information email: [jesse@attorneycohen.com](mailto:jesse@attorneycohen.com)



## Storage and transportation of ammunition and components. The relevant statutes:



The information contained in this document is offered for informational purposes only and is not legal advice. This information is not intended to create, and receipt of it does not constitute, an attorney-client relationship. Readers should not act upon this information

Attorney Cohen can assist you with the preparation of your License to Carry Firearms Application Package to maximize your chances of approval.

CODE OF MASSACHUSETTS REGULATIONS  
TITLE 527: BOARD OF FIRE PREVENTION REGULATIONS  
CHAPTER 13.00: EXPLOSIVES

(1) Exemption: License, Registration, or Permit: In accordance with the provisions of [M.G.L. c. 148 § 13](#), the Board hereby prescribes the following quantities of explosive materials that shall be exempt from License, Registration, and Permit and may be kept, or stored in a building or other structure:

(a) Small Arms Ammunition

1. Not more than 10,000 rounds of rim fire ammunition.
2. Not more than 10,000 rounds of center fire ammunition.
3. Not more than 5,000 rounds of shotgun ammunition.

(b) Small Arms Ammunition Primers

1. Not more than 1,000 caps or other small arms primers.

(c) Smokeless Propellants

1. Not more than 16 pounds.

# Four Seasons Firearms

Firearms - Ammunition - Reloading Supplies - Accessories  
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1. Not more than 16 pounds.
2. Persons under 18 years of age may not keep or store Smokeless Propellants.
3. Not more than two pounds of such propellant shall be stored in a multiple family dwelling or a building of public access.

(d) Black Powder

1. Not more than two pounds.
2. Persons under 18 years of age may not keep or store black powder.

(e) ***Exempt quantities of small arms ammunition, primers, smokeless propellants and black powder shall be stored in original containers and such containers shall be stored in a locked cabinet, closet or box when not in use....***



(2) ***Storage By Permit:*** In accordance with the provisions of [M.G.L. c. 148 § 13](#), the Board hereby prescribes the following quantities of explosive materials that shall be exempt from License, and Registration, and may be kept, or stored in a building or other structure ***provided a permit has been obtained from the head of the local fire department;***

(a) Small Arms Ammunition: Private Use. Small arms ammunition in amounts over that specified in 527 CMR 13.04(1), that do not exceed 100,000 total rounds at any one time, may be kept for private use provided none of the individual limitations listed below are exceeded.

1. 10,001 to 30,000 rounds of rim fire ammunition.
2. 10,001 to 50,000 rounds of center fire ammunition not to include shotgun ammunition.
3. 10,001 to 50,000 rounds of shotgun ammunition not to include center fire ammunition....

(c) Small Arms Ammunition Primers: Private Use

Not to exceed 10,000 Small Arms Ammunition Primers.....

(e) Smokeless Propellants: Private Use

1. Not to exceed 48 pounds Smokeless Propellants.
2. Persons under 18 years of age may not keep or store Smokeless Propellants.
3. ***The head of the local fire department may limit the quantity of smokeless propellants stored by permit to as low as two pounds if such propellant shall be stored in a multiple family dwelling or a building of public access.***

(g) Black Powder: Private Use

1. Not to exceed five pounds of black powder.
2. Persons under 18 years of age may not keep or store black powder.
3. ***The head of the local fire department may limit the quantity of black powder stored by permit to as low as two pounds if such black powder shall be stored in a multiple family dwelling or a building of public access.***

## Mass. Firearms Law Update

### 13.11: Small Arms Ammunition and Primers, Smokeless Propellants, and Black Powder

#### (1) Basic Requirements.

(a) 527 CMR 13.11 shall apply to the transportation and storage of small arms ammunition, primers and components, smokeless propellants and black powder.

(b) In addition to all other applicable requirements of 527 CMR 13.00, intrastate transportation of small arms ammunition small arms primers, smokeless propellants, and black powder shall comply with U.S. Department of Transportation Hazardous Materials Regulations.

(c) 527 CMR 13.11 shall apply to the channels of distribution of and to the users of small arms ammunition small arms primers, smokeless propellants, and black powder.

(d) 527 CMR 13.11 shall not apply to in-process storage and interplant transportation during manufacture.

#### (2) Small Arms ammunition.

(a) No restrictions shall be imposed on the interstate transportation of small arms ammunition other than those imposed by the U.S. Department of Transportation or by other hazardous materials regulations.

#### (3) Small Arms ammunition Primers.

(a) Small arms ammunition primers shall be transported, kept, or stored in containers approved by the U.S. Department of Transportation.

(b) Transportation of small arms ammunition primers shall comply with U.S. Department of Transportation Regulations.

(c) ***No more than 5,000 small arms ammunition primers shall be transported in a private vehicle.***

(d) ***No more than 5,000 small arms primers shall be stored in residences.***

#### (4) Smokeless Propellants.

(a) Transportation of smokeless propellants not exceeding 25 lbs in a private vehicle, shall be transported in shipping containers approved by the U.S. Department of Transportation.

(b) Transportation of quantities of smokeless propellants exceeding 25 lbs but not exceeding 48 lbs, in a private vehicle, shall be transported in a portable magazine having wood walls of at least one inch nominal thickness, and permitted by the Marshal in accordance with [527 CMR 13.04\(6\)](#).



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**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>

Emergency legal services provide you with the peace of mind in knowing that when you defend yourself with your firearm, your legal defense is lined up and ready to respond. Email [jesse@attorneycohen.com](mailto:jesse@attorneycohen.com) for more information.

(c) Transportation of more than 48 lbs. of smokeless propellants in a private vehicle is prohibited.

(e) Smokeless propellants shall be stored in original shipping containers specified by U.S. Department of Transportation Hazardous Materials Regulations.

(f) Smokeless propellants intended for private use in quantities not exceeding 48 lbs stored in residences shall be kept in the original manufacturers container or in a wooden box or cabinet having wooden walls of at least one-inch nominal thickness. All smokeless propellants stored in private residences shall be stored in the original containers; such containers shall be secured in a locked cabinet, closet, or box when not in use.

(5) Black Powder.

(a) Black powder not exceeding five lbs transported in a private vehicle, shall be transported in shipping containers approved by the U.S. Department of Transportation.

(b) Transportation of quantities of black powder exceeding five lbs but not exceeding 25 lbs, in a private vehicle, shall be transported in a portable magazine having wood walls of at least one inches nominal thickness, and permitted by the Marshal in accordance with [527 CMR 13.04\(6\)](#).

(c) Transportation of more than 25 lbs. of blackpowder in a private vehicle is prohibited.

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M.G.L.A. 148 § 10B

### **Violation of regulations of the board**

Any person who knowingly violates any rule or regulation made by the board of fire prevention regulations shall, except as otherwise provided, be punished by a **fine of not less than one hundred dollars nor more than one thousand dollars.**

## **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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### **REAL ESTATE**

The name you've come to trust for firearms legal services is also the name to trust for real estate brokerage.

In his real estate business, Attorney Cohen represents both buyers and sellers. Given his background in firearms law, he is sensitive to the needs of gun owners. He will research the firearms licensing policies of prospective cities and towns before you buy.

