



## City of Lowell - Law Department


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## MEMORANDUM

**TO:** Thomas A. Golden, Jr., City Manager 

**FROM:** Kerry Regan Jenness, First Assistant City Solicitor

**CC:** Barry Golner, Interim Superintendent of Police

**DATE:** October 25, 2022

**SUBJECT: MOTION RESPONSE: 7/12/2022 by C. Scott/Yem:** Req. City Mgr. Work With Appropriate Departments To Provide A Legal Opinion On The Applicability Of The NY Gun Law Decision By The Supreme Court To The City Of Lowell Procedures.

This past term, the Supreme Court of the United States rendered a decision in a case entitled New York State Rifle & Pistol Association, Inc., et al. v. Bruen, Superintendent of New York State Police, et al (“Bruen”). Bruen involved a challenge to the state of New York’s firearms licensing scheme and its requirement that an applicant have “proper cause” in order to be granted an unrestricted license. The Supreme Court held that New York’s proper cause requirement was not the kind of reasonable regulation permitted by its prior Second Amendment jurisprudence (most recently District of Columbia v. Heller, 554 U.S. 570 (2008)) and struck down the requirement.

Although Bruen addressed a New York law, the Court in its decision specifically identified Massachusetts’ current “good reason” provision contained in M.G.L. ch 140 s. 131 (d) as similar to New York’s proper cause requirement and therefore not permissible. While it remains unlawful to carry a firearm in Massachusetts without a license, some changes have to be made to existing Massachusetts licensing procedures to align with the Bruen decision.

Pursuant to an analysis of Bruen and following guidance received from the Attorney General's Office and the Executive Office of Public Safety and Security, it is our understanding that the Lowell Police Department has made the following changes to its firearms licensing procedures:

- Lowell no longer requires applicants to submit an essay in support of their application;
- Lowell utilizes the state LTC/FID application forms and does not require any additional written material; applicants may choose to provide references, but these are optional;
- MGL c. 150 s. 131(P)(a) requires all first time firearm license applicants to successfully complete a MA Certified Firearms Safety Course or a Basic Hunter Education Course and submit a certificate of completion with their firearms license application. Lowell will accept any firearms course certified by the Commonwealth of Massachusetts to satisfy this requirement (previously, Lowell required that the course contain specific elements, including live firing);
- All licenses that are issued will be unrestricted.

Changes will need to be made to LPD's web page to reflect the new procedures.

We note that the "prohibited person" and "suitability" standards for issuing a license remain (for example, an applicant who has been convicted of murder or other violent crimes is prohibited by law from holding a license to carry firearms).