

Massachusetts Representatives fear pandemic being used to delay gun licenses

By Katie Lannan

State House News Service

A new bill filed by a Webster Republican would create a process for Massachusetts residents to be able to apply for a gun license during the COVID-19 pandemic without first having to get fingerprinted by local police as is normally required.

Rep. Joseph McKenna said his bill is meant to prevent cities and towns from using the pandemic “as an excuse to deny someone their constitutional rights to obtain a license to carry.”

“I think for the most part, towns are being really cooperative and working with applicants to figure out how to best proceed with an application safely and without as much face-to-face contact,” he said. “I do think there are some towns that could perhaps be using COVID as a reason to say to an applicant, we’re not comfortable with you coming into the police station.”

McKenna said retailers, restaurants and “just about every industry and business” have by now adapted their operations to accommodate social distancing, provide remote services or otherwise incorporate the public health precautions that have become widespread over the past several months.

Applicants for firearms identification cards and licenses to carry a firearm have their fingerprints taken for a background check, and McKenna said his bill (HD 5442) would allow local police chiefs or the state Executive Office of Public Safety and Security to temporarily waive that requirement if they

determine it's unsafe or unreasonable to collect fingerprints.

McKenna's bill is backed by the Gun Owners' Action League, which in October filed a federal lawsuit against top police officials in Weymouth, Cambridge and Stoughton on behalf of residents of those three communities who said they'd been waiting for months to secure licenses to carry firearms.

Republican Reps. Peter Durant, William Crocker, Nicholas Boldyga, David DeCoste and Donald Berthiaume are signed on to the bill as cosponsors, as is Lawrence Democrat Rep. Marcos Devers.

In some instances, police departments that had paused their fingerprinting have been able to bring the service back online.

Southwick police announced on Nov. 14 that they were suspending the processing of any new gun license applications "due to the inability to safely fingerprint and photograph applicants" and clarified two days later that an employee who is involved in the processing had been ordered not to report to work for a period of time because of close contact with someone COVID-positive. On Nov. 23, the department posted to Facebook that it was accepting applications again.

On Nantucket, police stopped accepting license applications that require a fingerprint check on Nov. 18 and now plan to resume fingerprinting on Dec. 9, using a new protocol under which fingerprints will be taken only by appointment and the department will provide a mask for the applicant to wear.

Nantucket officials said they were implementing the new measures to protect the safety of residents and police department employees and limit trips to the public safety building, citing climbing COVID case numbers both on the island and statewide and an expectation "that the COVID-19 infection rate will continue to increase significantly, particularly over the days following Thanksgiving."

McKenna said he is not seeking a universal waiver of the fingerprinting requirement, and that fingerprints would still be required in towns that feel comfortable conducting the procedure, "whether it's outside, whether it's behind a plastic screen" or with some other precaution in place.

He said he would be open to tweaking the bill's language to establish a buffer period of a set time after which an applicant would then need to submit fingerprints.

McKenna said he's looking at refiling the bill in the new legislative term that begins on Jan. 5.

"To be quite honest, being that it's very late in a lame-duck session, I would not expect it to be taken up over the last four weeks we have remaining in session, but we have received some feedback from colleagues, some suggestions," he said. "It's certainly garnered some interest and some discussion."