THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
Department of Criminal Justice Information Services

200 ARLINGTON STREET, SUITE 2200
CHELSEA, MASSACHUSETTS 02150
WWW.MASS.GOV/CJIS

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary of
Public Safety and Security

James F. Slater, III
Acting Commissioner

Dear Applicant:

This letter and attached petition are being provided to you so that your petition for review by the Firearm Licensing Review Board ("Board") pursuant to Chapter 150 of the Acts of 2004, may be processed and reviewed as efficiently as possible.

By filing a petition, you are giving the Board and its' staff permission to access and review your criminal history. It is important that you understand that the Board has the authority to review only misdemeanor convictions, and that the Board may not review convictions for:

a) an assault or battery on a family or household member, or a person with whom you have had a substantive dating relationship, as defined by G.L. c. 209A, § 1;
b) a crime involving use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or
c) a crime regulating the use, possession or sale of controlled substances.

In addition, the statute specifies that the Board may not review a petition if the petitioner:

a) has a disqualifying felony conviction;
b) has multiple misdemeanor convictions, unless the offenses arise from one incident;
c) was denied a license to carry on the basis of suitability rather than a disqualifying conviction (the District Court is the appropriate forum for appeal in this case); or
d) is disqualified for a reason other than a misdemeanor conviction, such as having an active warrant or restraining order.

Finally, the Board may not review a petition until after the passage of five (5) years since the misdemeanor conviction or release from supervision, whichever is last occurring.

Should your petition be eligible for review, you will be notified in writing of a hearing date. At the hearing you will have the opportunity to appear and/or submit documentary and testimonial evidence in support of your petition. The Board requests that you submit all documents that you wish it to consider prior to the hearing date to ensure a timely review.

You bear the burden of proof by clear and convincing evidence that you are a suitable person to receive a firearm identification (FID) card or a license to carry (LTC) notwithstanding the disqualifying conviction.

We have included a list of documents (attached) required to be included with your petition. While it is not necessary to retain the services of an attorney to represent you at the hearing, you should feel free to do so if you so choose.

Please note that if your petition is successful, and the Board determines that you are a suitable candidate for a LTC or FID card, you must still apply to your local police chief for the LTC or FID card, and the final determination on issuing is made by the licensing authority.

Complete petition packages can be forwarded to the address below. Incomplete petition packages will be returned to the petitioner.

Firearm Licensing Review Board
Dept. of Criminal Justice Information Services
200 Arlington St., Suite 2200
Chelsea, MA 02150

Please be sure to have your signature on the petition notarized. Should you have any questions regarding this application or the supporting documentation, please contact the Department of Criminal Justice Information Services at 617-660-4782, or visit our web site at www.mass.gov/cjis, for more information.

Sincerely,

Jason A. Guida, Esq.
Counsel to the FLRB

Petition for Review by the Firearm Licensing Review Board

Pursuant to Chapter 150 of the Acts of 2004, you may petition the Firearm Licensing Review Board (Board) to determine whether you are eligible and suitable for a license to carry or firearm identification card relative to your misdemeanor conviction.

All petitions should be mailed to the Firearm Licensing Review Board, Dept. of Criminal Justice Information Services (DCJIS), 200 Arlington Street, Suite 2200, Chelsea, MA 02150.

Individual making the petition:

Name: _____ Date of Birth: _____
Last First Middle

Current Address: _____
Number Street Apt. # or Unit #

_____
City/Town State Zip

Home Telephone #: _____

Cell phone #: _____

YOU WILL NEED TO HAVE YOUR SIGNATURE NOTARIZED AT THE TIME OF SIGNING

I hereby attest that the information provided is true and accurate.

_____
Petitioner's Signature

AUTHENTICATION OF SIGNATURE BY NOTARY PUBLIC

_____, SS.

The above-named _____, appeared before me, the undersigned authority, this _____ day of _____, 201____ and acknowledged the foregoing signature to be made of his or her own true free act and deed.

_____
Notary public

_____
My commission expires

Hearing Procedure and Supporting Documentation

The Firearm Licensing Review Board ("Board") conducts quasi-judicial, administrative hearings. The hearings are formal in nature and the rules of evidence apply. The Board is comprised of 6 members appointed from various state agencies and organizations. All hearings are recorded and a transcript can be purchased by the petitioner.

The Board has subpoena powers and may call witnesses to provide information about your petition and your criminal background. The Board will provide you with all documentation and witness lists approximately 2 weeks prior to your hearing. This information will arrive by mail in the form of a petitioner packet. You should review all information in the packet prior to the day of your hearing.

At the hearing, you bear the burden of proof by clear and convincing evidence that you are a suitable person to receive a firearm identification (FID) card or a license to carry (LTC) notwithstanding the disqualifying conviction. In reaching a decision, the Board will rely on your testimony, witness testimony, documents provided by Board staff and the documents that you submit as detailed below:

The following are **required** documents to include with your petition:

1. **The notarized petition.**

2. **$100 fee.** Only bank checks or money orders are acceptable forms of payment.

3. **A copy of the LTC or FID card application which has been submitted to your local police department.** This may be a copy of the application which has been denied, or a new application with evidence (i.e. date received stamp) that the application has been received at the police department.

4. **A written statement, including specific proof and/or examples that demonstrate, by clear and convincing evidence, why you believe you are a suitable person to possess a firearms license**. You statement should include a narrative of the facts and circumstances that led to your disqualifying conviction and, if you have additional criminal charges, the facts and circumstances of those cases. .

5. **A certified copy of the criminal conviction(s) that disqualifies you from being eligible to have a FID or LTC (you can obtain this from the trial clerk's office of the courthouse in which you were convicted)**. If you are unable to obtain the docket, you should include a written statement from the clerk indicating that the docket is unavailable.

6. **The arrest report pertaining to the conviction may be submitted from the police department that investigated the case**. You will need to ask that the police department certify that the report is an official business record pursuant to G.L. c. 233, § 78. The police department may need to redact information that is confidential by statute prior to giving you the report. If you are unable to obtain the police report, you should include a written statement from the police department indicating that the report is unavailable.

7. **A list of witnesses, if any, that you plan on calling at the hearing to testify, specifying each witness' full name, address and date of birth.**

The following are **optional** documents you may consider including with your petition:

1. Additional information, including certificates of training or education that you believe may be important for the Board to consider (i.e. firearm safety courses, military records, commendations, etc.). In order to meet the evidentiary requirements at the hearing you will need to ask that the keeper of the records authenticate that the documents are true and accurate and kept in the usual course of business.

2. A letter of recommendation from your local police chief or firearms licensing officer. You should disclose the reason why you are disqualified from obtaining a FID or LTC and you should request that your chief indicate whether they wish to issue you a license.

3. Letters of recommendation from any individual. Letters should indicate whether the person is familiar with your use and possession of firearms, rifles or shotguns.

4. Police reports and/or court records from any additional incidents on your record.

Petition checklist (for your records)

REQUIRED DOCUMENTATION	
Notarized petition	
$100 fee	
LTC or FID card application	
Written statement	
Police report	
Court records	
Witness list	
OPTIONAL DOCUMENTATION	
Additional documentation	
Police chief or licensing officer recommendation	
Letters of recommendation	
Additional police reports or court records	