



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Criminal History Systems Board

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Kevin M. Burke
Secretary of Public Safety

Barry J. LaCroix
Executive Director

Dear Applicant:

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

It is important that you understand that the FLRB has the authority to review only misdemeanor convictions, and that the FLRB 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 FLRB 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 FLRB 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.

Please be advised that the FLRB will review your criminal history as a result of the filing of this petition.

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 FLRB requests that you submit all documents that you wish it to consider prior to the hearing date to ensure a timely review. As required by the statute, 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) which we recommend that you include 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 FLRB determines that you are a suitable candidate for a LTC or FID card relative to the misdemeanor conviction, 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.

To file a petition with the Firearm Licensing Review Board to start the review process, please forward:

- 1) the completed petition;
- 2) the required \$100.00 filing fee (payable to the Commonwealth of Massachusetts);
- 3) a copy of a current or previous application for an LTC or FID card, as filed with your local licensing authority;
- 4) any documentation which will assist the FLRB in making its determination;
- 5) a list of witnesses, if any, that you want to have testify on your behalf;
- 6) a notice that you request the services of a stenographer to produce a verbatim transcript of the hearing, if you wish to have these services available. (Please note that the hearing is digitally recorded by CHSB, but that the petitioner is responsible for the cost of a stenographer's services.)

All information should be sent to the:

Firearm Licensing Review Board
Criminal History Systems Board
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 Criminal History Systems Board at 617-660-4780, or visit our web site at www.mass.gov/chsb/frb, for more information.

Sincerely,



Caroline Sawyer, Esq.
Director of Firearm Support Services

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 (FLRB) 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, Criminal History Systems Board (CHSB), 200 Arlington Street, Suite 2200, Chelsea, MA 02150.

Individual making the petition:

Name: _____
Last First Middle

Current Address: _____

Telephone: _____
Other: _____

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 _____, 200____ and acknowledged the foregoing signature to be made of his or her own true free act and deed.

Notary public

My commission expires

Recommended Supporting Documentation

- 1) A written statement, including specific proof and/or examples that demonstrate, by clear and convincing evidence, your suitability to possess a FID or LTC. If you have additional criminal charges that did not result in a conviction, these also may be addressed in the statement.
- 2) 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).
- 3) 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.
- 4) You may also include additional information, including certificates of training or education that you believe may be important for the FLRB to consider (i.e. firearm safety courses, letters of commendations, honorable discharge, 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.
- 5) You may include letters of recommendation, including from your local police chief.
- 6) The arrest report pertaining to the conviction may be submitted. You may obtain a copy of the arrest report 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. This documentation is especially important if you have been convicted of assault and battery, so that you may demonstrate to the FLRB that the assault is not domestic in nature.