

LTC/FID Disqualifiers

Disqualifying Crimes

Crimes Against the Person

- Assault
- Assault & Battery
- Assault & Battery on Public Employee
- Assault & Battery on Ambulance Personnel
- Permitting Injury to a Child
- Gross Negligence by Common Carrier
- Assault & Battery/Property Damage to Intimidate
- Causing Injury in a Physical Exercise Program
- Resisting Arrest

Crimes Against Property

- Failure to Report Hotel Fire
- Larceny from Common Carrier/Business
- Larceny Under \$250 from Elder/Disabled Person
- Shoplifting over \$250
- Falsely Obtaining Commercial Computer Service
- Receipt of Deposit by Insolvent Bank
- Receiving Stolen Property Under \$250
- False Statement to Motor Vehicle Insurer
- Obstruction of Medical Facility - Subsequent Offense
- Wanton Destruction Property over \$250
- Destruction Church/School Property
- Destruction Jail Property

Motor Vehicle Offenses

- Operating After Suspension for DWI/Motor Vehicle Homicide
- DWI Alcohol
- Motor Vehicle Homicide while DWI or while Operating to Endanger
- DWI with Serious Bodily Injury
- DWI on a Vessel
- DWI on a Vessel with Serious Bodily Injury
- Homicide by Vessel while DWI or while Operating to Endanger

Note: OUI Conviction disqualifier for LTC - May 27, 1994

OUI Conviction Automatic Disqualifier for License to Carry Firearm

The new 1999 Firearms Law now automatically disqualifies anyone from obtaining a license to carry (LTC) a firearm on the basis of a misdemeanor conviction which carries a penalty of more than two years. Therefore, anyone convicted of OUI will fall into this category. See [C140§131](#). However, OUI only became a 2 1/2 year misdemeanor effective May 27, 1994. Prior to that it was only a 2 year misdemeanor. Therefore, anyone convicted of OUI prior to that date will not automatically be disqualified.

In order to be eligible to receive a new or to renew a LTC, an applicant must be deemed by the Chief of Police to be a suitable person. The Chief considers factors such as the applicant's reputation in the community, his/her involvement in criminal activities that did not lead to an arrest or conviction, association with known criminals, etc. In addition, the following statutory restrictions affect an applicant's suitability.

Applicant was convicted or adjudicated as a youthful offender anywhere for:

1. Commission of a felony or misdemeanor with a sentence greater than two years
2. Commission of a violent crime
3. Violation of any firearms law punishable by imprisonment
4. Violation of any narcotics law

Applicant is committed to an institution for mental illness

Applicant is being treated or confined for drug addiction or habitual drunkenness

Applicant is under age 21

Applicant is an alien of the United States

Applicant is subject to any Chapter 209A protective order in Massachusetts or similar domestic violence stay-away order in another state

Applicant is subject to an outstanding arrest warrant

Applicant was convicted of a misdemeanor offense punishable by imprisonment for more than two years

With respect to an FID permit only, a person who has been convicted of such offense may apply for an FID if five years has past since such conviction and/or probation period, whichever occurred last.

Applicant was convicted of a violent crime

Applicant was convicted of a felony

Pursuant to Chapter 140 section 129B of the Massachusetts General Laws, the Chief of Police **may not** deny an applicant's request for a FID Card unless he/she is subject to one of the statutory disqualifications listed above.