

THE LAW OFFICE OF NEIL S. TASSEL

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Jason Clarke
Custom Defense Solutions USA
410 Great Road, Suite 6211 C-3
Littleton, MA, MA 01460

RE: Opinion letter concerning frame transfers

Dear Sir:

I have been retained by you to investigate the legality of sales of handgun frames, the details of which are described below. After consulting the relevant resources, I conclude that transfer of these frames to holders of licenses to carry (LTC) is permissible as discussed below.

Facts

I have been provided with the following facts to address:

Custom Defense Solutions wishes to transfer the frames or receivers of handguns which are not listed on the published approved firearm rosters of the Commonwealth's Executive Office of Public Safety.

Resources Consulted

In investigating this matter, I have consulted the following sources of information:

1. Statute M.G.L. Ch. § 121 as amended by Acts 2024, Ch. 135.
2. Statute M.G.L. Ch. 140, § 123 as amended by Acts 2024, Ch. 135.
3. Statute M.G.L. Ch. 140, § 131 ¾ as amended by Acts 2024, Ch. 135.
4. Regulation 501 C.M.R. 7.00
5. The Minutes of the Firearm Control Advisory Board (FCAB) of the April 11, 2025 meeting.
6. The Memorandum of the Executive Office of Public Safety RE: An Act Modernizing Firearm Laws dated October 2, 2025.

Discussion

Prior to the enactment of Acts 2024, Ch. 135, the sale of the frames or receivers of handguns by dealers was a common practice irrespective of whether the handgun, once assembled by the purchaser, was listed on the approved firearm rosters. Prior to the enactment of this legislation, the definition of a firearm was limited to weapons capable of discharging a shot and having a barrel length greater than 16 inches. The recent enactment of Acts 2024, Ch. 135 in October,

2025, called this practice into question due to changes made to the definition of a “firearm”. As amended, M.G.L. Ch. 140, § 121 now defines “firearm” as:

a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the *frame or receiver of any such firearm* or the unfinished frame or receiver of any such firearm; provided, however, that “firearm” shall not include any antique firearm or permanently inoperable firearm. [emphasis added]

Further, the law now defines “frame” as follows:

the part of a pistol or revolver that provides housing or a structure for the component designed to hold back the hammer, striker, bolt or similar primary energized component prior to initiation of the firing sequence, even if pins or other attachments are required to connect such component to the housing or structure. Any such part that is identified with an importer or manufacturer serial number shall be presumed, absent an official determination by the Bureau of Alcohol, Tobacco, Firearms and Explosives in the United States Department of Justice or other reliable evidence to the contrary, to be the frame of the firearm.

Firearm dealers, licensed in the Commonwealth pursuant to M.G.L. Ch. 140 § 122, are prohibited from selling “firearms” which do not meet criteria provided in M.G.L. Ch. 140, § 123(o) which states that:

[n]o licensee under section 122 shall sell, rent, lease or otherwise transfer any firearm described in this subsection except to a business entity that is primarily a firearm wholesaler, and such transfer shall, by its terms, prohibit the purchaser from reselling such firearm to a firearm retailer or consumer in the commonwealth.

These changes to the definition of a firearm caused tremendous confusion, largely because it mandated that long guns including rifles and shotguns had to meet the requirements of § 123(o), as did frames and receivers. Since long guns were never tested nor included in the approved firearm rosters, the Executive Office of Public Safety immediately released, on October 2, 2024, a memorandum stating that firearm dealers could continue to sell firearms listed on the approved firearm rosters and further stated that:

“[a]dditionally, under the Act and 501 C.M.R. 7.00, dealers may continue to sell shotguns and rifles so long as they are not otherwise prohibited in Massachusetts pending further guidelines from the Firearms Control Advisory Board.”

More recently, at the April 11, 2025, FCAB meeting, the issue of the Secretary of Public Safety’s decision in the October 2, 2024, memorandum to not require rifles and shotguns to be included on the firearm rosters was discussed. In this context, the subject arose of whether frames (which cannot be tested to meet the criteria of M.G.L. Ch. 140, § 123(o)), could still be sold by dealers. In response, EOPS Deputy General Counsel, John Melander, “explained that the analysis for frames is the same as the analysis applied to long guns.” Attorney Melander stated, according to the minutes, “it would follow that frames do not have to be on a roster to be sold by a licensed dealer.” FCAB board member, Chief Glidden noted that “frame transfers have been happening for many years, and that the only difference now is that someone will have to do a state and federal transfer.”

It is important to note that when Attorney Melander was pressed on whether the transfer of an off-roster frame would be regarded as a violation of law for transferring an off-roster “firearm” as that term is now defined, Mr. Melander stated that “individuals may rely on the decision of the Secretary with respect to rifles and shotguns to surmise that frames and receivers also do not need to be included on the roster as the analysis is the same.” As noted above, the referenced decision includes the admonition that the firearms (frames included) may be sold “so long as they are not otherwise prohibited in Massachusetts”.

Given that 501 C.M.R. 7.00 and M.G.L. Ch. 140, § 131 ¾ grant the Secretary of Public Safety discretion over the firearm rosters, including the authority to add or remove firearms from the roster, the position statement made by his representative at the FCAB meeting is within his discretion.

Conclusion

For the cited reasons, I believe that handgun frames may be sold by licensed firearm dealers in the Commonwealth subject to all required state and federal registration requirements, irrespective of whether they are listed on any of the firearm rosters.

Sincerely,



Neil S. Tassel

Cc: file