

2019 -- H 5728

LC001107

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Tanzi, Donovan, Ranglin-Vassell, Ajello, and Cassar

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-30, 11-47-32, 11-47-33, 11-47-34, 11-47-35.2 and 11-47-37
2 of the General Laws in Chapter 11-47 entitled "Weapons" are hereby amended to read as follows:

3 ~~11-47-30. Sale, transfer or delivery of firearms to minors.~~ **Sale, transfer or delivery**
4 **of firearms to minors and others.**

5 (a) It shall be unlawful within this state for any person to sell, transfer, give, convey, or
6 cause to be sold, transferred, given or conveyed any firearm to any person under ~~eighteen (18)~~
7 twenty-one (21) years of age, when the person knows or has reason to know that the recipient is
8 under ~~eighteen (18)~~ twenty-one (21) years of age, except for the limited purposes set forth in §§
9 11-47-33 and 11-47-34 and with the prior approval or consent of the parent or legal guardian of
10 the minor.

11 (b) Every person violating this section shall be punished, upon conviction, by
12 imprisonment for not less than ten (10) years and not more than twenty (20) years. The
13 prohibitions of this section shall not apply to any federally and state licensed retail dealer who
14 makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of an air rifle,
15 air pistol, "blank gun" or "BB gun."

16 ~~11-47-32. Possession of ammunition by minor.~~ **Possession of ammunition by minor**
17 **and others.**

18 Except as provided in § 11-47-33, it shall be unlawful within this state for any person
19 under ~~eighteen (18)~~ twenty-one (21) years of age to possess and use ammunition, including any

1 priming charge of powder, propelling charge of powder, or any form of missile or projectile to be
2 ejected from a firearm.

3 **11-47-33. Possession of firearms by minors. Possession of firearms by minors and**
4 **others.**

5 (a) It shall be unlawful within this state for any person under ~~eighteen (18)~~ twenty-one
6 (21) years of age to possess and use any firearm unless he or she shall hold a permit as provided
7 in § 11-47-34, and unless the person is in the presence of a parent or guardian or supervising adult
8 at any regular and recognized camp or rifle range approved by the Rhode Island state police or by
9 the chief of police of the city or town in which the camp or rifle range is located; provided, that
10 this provision shall not apply to ~~minors~~ persons under twenty-one (21) years of age engaged in
11 lawful hunting activity under the supervision of a parent or guardian or qualified adult, minors
12 participating in Reserve Officer Training Corps programs, ceremonial parade activities,
13 competitive and target shooting, participants in state militia activities and minors participating in
14 a basic firearms education program; provided, further, that a person under ~~eighteen (18)~~ twenty-
15 one (21) years of age may carry a firearm, unloaded, in a suitable case to and from his or her
16 home and the camp or range and from the camp or range to other camp or range when
17 accompanied by a parent, guardian or supervising adult.

18 (b) For purposes of this section only, "qualified adult" means any person twenty-one (21)
19 years of age or older and permitted by law to possess and use the firearm.

20 **11-47-34. Firearms permits to minors. Firearms permits to minors and others.**

21 The Rhode Island state police or the chief of police of the city or town in which the
22 person resides shall issue permits to any person under ~~eighteen (18)~~ twenty-one (21) years of age
23 only upon satisfactory proof of being engaged in a course of training in the use of firearms at a
24 regular and recognized camp or rifle range, and provided that ~~the~~ any person under eighteen (18)
25 years of age has the written consent of a parent or guardian. Valid membership cards of junior
26 gun clubs or of junior divisions of senior gun clubs incorporated in the state of Rhode Island shall
27 be prima facie evidence of the person under ~~eighteen (18)~~ twenty-one (21) years of age being
28 engaged in a course of training in the use of firearms at a regular and recognized camp or rifle
29 range.

30 **11-47-35.2. Sale of rifles/shotguns.**

31 (a) No person shall deliver a rifle or shotgun to a purchaser until seven (7) days shall
32 have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the
33 purchase, and when delivered, the rifle or shotgun shall be unloaded and securely wrapped, with
34 the bill of sale for it to be enclosed within the wrapper with the rifle or shotgun. Any citizen of

1 the United States and/or lawful resident of this state who is ~~eighteen (18)~~ twenty-one (21) years of
2 age or older, and any non-resident member of the armed forces of the United States who is
3 stationed in this state and who is ~~eighteen (18)~~ twenty-one (21) years of age or older, may, upon
4 application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase of a
5 shotgun or rifle the purchaser shall complete and sign in triplicate and deliver to the seller the
6 application form described in this section, and in no case shall it contain the serial number of the
7 rifle or shotgun.

8 (Face of application form)

9 Application to Purchase Shotgun or Rifle

10 Date Hour A.M. P.M.

11 Name

12 Address

13 (Street and number) (City or town) (State)

14 Date of Birth Place of Birth

15 Height Weight Color hair

16 Color eyes

17 Scars

18 Tattoos

19 Other identifying marks

20 Are you a citizen of the United States

21 Are you a citizen of Rhode Island

22 How long

23 Where stationed

24 (Armed Forces only)

25 Have you ever been convicted of a crime of violence

26 (See § 11-47-2 General Laws of Rhode Island)

27 Have you ever been adjudicated or under confinement as addicted to a controlled substance

28

29 Have you ever been adjudicated or under confinement for alcoholism

30

31 Have you ever been confined or treated for mental illness

32 From whom is shotgun or rifle being purchased

33 Seller's address

34 Seller's signature

1 Applicant's signature

2 (See § 11-47-23 for penalty for false information on this application)

3 (Reverse side of application form)

4 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1
5 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence
6 Plantations, and that I am aware of the penalties for violation of the provisions of the cited
7 sections.

8 Signed

9 County of

10 State of Rhode Island

11 Subscribed and sworn before me this day of..... A.D. 20..

12 Notary Public

13

14 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign
15 and forward by registered mail or by delivery in person, the original and duplicate copies of the
16 application to the superintendent of the Rhode Island state police or the chief of police in the city
17 or town in which the seller has his or her residence or place of business. The superintendent of the
18 Rhode Island state police or the chief of police in the city or town in which the person has his or
19 her residence or place of business shall mark or stamp the original copy of the application form
20 with the date and time of receipt and return it by the most expeditious means to the seller. The
21 triplicate copy duly signed by the seller shall within seven (7) days be sent by him or her by
22 registered mail to the attorney general. The person shall retain the original copy duly received by
23 the police authority to whom sent or delivered for a period of six (6) years with other records of
24 the sale. It shall be the duty of the police authority to whom the duplicate copy of the application
25 form is sent or delivered to make a background check of the applicant to ascertain whether he or
26 she falls under the provisions of § 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse of
27 seven (7) days from twelve o'clock (12:00) noon of the day following application, no
28 disqualifying information has been received from the investigating police authority by the person
29 who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the applicant.
30 Upon the finding of no disqualifying information under the provisions of the above cited sections
31 of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate
32 and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate
33 copies in violation of this chapter or any unauthorized use of the information contained in them
34 by a person or agency shall be punishable by a fine of not more than one thousand dollars

1 (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly
2 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of §
3 11-47-39.

4 (c) The provisions of this section shall not apply to full-time members of the state police,
5 full-time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-
6 47-11, or to sales of air rifles or "BB guns" or to sales of antique firearms as defined in § 11-47-
7 2.

8 **11-47-37. Sale to minors and others forbidden.**

9 No person shall sell a ~~pistol or revolver~~ [firearm](#) to any person under the age of twenty-
10 one (21) or to one who he or she has reasonable cause to believe falls under the provisions of §
11 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

12 SECTION 2. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
13 by adding thereto the following sections:

14 **11-47-32.1. Persons exempt from § 11-47-30.**

15 [The provisions of § 11-47-30 shall not apply to full-time members of the state police,](#)
16 [full-time members of the state marshal's office, full-time members of city or town police](#)
17 [departments, or state marshals or correctional officers or persons while serving on active duty as a](#)
18 [member of the United States armed forces or organized reserves or National Guard.](#)

19 **11-47-32.2. Persons exempt from § 11-47-32.**

20 [The provisions of § 11-47-32 shall not apply to full-time members of the state police,](#)
21 [full-time members of the state marshal's office, full-time members of city or town police](#)
22 [departments, or state marshals or correctional officers or persons while serving on active duty as a](#)
23 [member of the United States armed forces or organized reserves or National Guard.](#)

24 **11-47-32.3. Persons exempt from § 11-47-33.**

25 [\(a\) The provisions of § 11-47-33 shall not apply to full-time members of the state police,](#)
26 [full-time members of the state marshal's office, full-time members of city or town police](#)
27 [departments, or state marshals or correctional officers or persons while serving on active duty as a](#)
28 [member of the United States armed forces or organized reserves or National Guard.](#)

29 [\(b\) The provisions of § 11-47-33 shall not apply to persons eighteen \(18\) years of age](#)
30 [who are but under twenty-one \(21\) years of age in lawful possession of a firearm prior to](#)
31 [\(effective date of act\).](#)

32 **11-47-32.4. Persons exempt from § 11-47-35.2.**

33 [The provisions of § 11-47-35.2 shall not apply to full-time members of the state police,](#)
34 [full-time members of the state marshal's office, full-time members of city or town police](#)

1 departments, or state marshals or correctional officers or persons while serving on active duty as a
2 member of the United States armed forces or organized reserves or National Guard.

3 **11-47-64. Sale of ammunition.**

4 (a) For the purposes of this section “ammunition” means a loaded cartridge, consisting of
5 a primed case, propellant or projectile, designed for use in any firearm as defined in § 11-47-2.

6 (b) No person, firm or corporation shall sell ammunition to any person unless such person
7 is twenty-one (21) years of age or older and holds a valid pistol/revolver safety certificate issued
8 by the department of environmental management.

9 (c) The provisions of subsection (b) of this section shall not apply to full-time members
10 of the state police, full-time members of the state marshal’s office, full-time members of city or
11 town police departments, or state marshals or correctional officers or persons licensed to carry a
12 firearm pursuant to § 11-47-11.

13 (d) Any person who violates any provision of this section shall be guilty of a felony and
14 may be punished by up to five (5) years imprisonment and/or a five thousand dollar (\$5000) fine.

15 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES - WEAPONS

1 This act would increase the age from eighteen (18) to twenty-one (21) years for lawful
2 possession, sale, or transfer of firearms or ammunition. Full-time law enforcement, fire marshals
3 and member of U.S. military would be exempt from these prohibitions.

4 This act would take effect upon passage.

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