

2022 -- H 7457 AS AMENDED

LC004437

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Tanzi, Ranglin-Vassell, Cassar, Felix, McGaw,
Donovan, Alzate, Giraldo, Kazarian, and Kislak

Date Introduced: February 11, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-30, 11-47-33, 11-47-35.2 and 11-47-37 of the General Laws
2 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~~ **Transfer or delivery of**
4 **firearms to minors.**

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) years
7 of age, when the person knows or has reason to know that the recipient is under eighteen (18) years
8 of age, except for the limited purposes set forth in §§ 11-47-33 and 11-47-34 and with the prior
9 approval or consent of the parent or legal guardian of the minor.

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

15 **11-47-33. Possession of firearms by minors.**

16 (a) It shall be unlawful within this state for any person under eighteen (18) years of age to
17 possess and use any firearm unless ~~he or she shall hold a permit as provided in § 11-47-34, and~~
18 ~~unless~~ the person is in the presence of a parent or guardian or supervising adult at any regular and
19 recognized camp or rifle range approved by the Rhode Island state police or by the chief of police

1 of the city or town in which the camp or rifle range is located; provided, that this provision shall
2 not apply to minors engaged in lawful hunting activity under the supervision of a parent or guardian
3 or qualified adult, minors participating in Reserve Officer Training Corps programs, ceremonial
4 parade activities, competitive and target shooting, participants in state militia activities and minors
5 participating in a basic firearms education program; provided, further, that a person under eighteen
6 (18) years of age may carry a firearm, unloaded, in a suitable case to and from his or her home and
7 the camp or range and from the camp or range to other camp or range when accompanied by a
8 parent, guardian or supervising adult.

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

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

12 (a) No person shall deliver a rifle or shotgun to a purchaser until seven (7) days shall have
13 elapsed from twelve o'clock (12:00) noon of the day following the day of application for the
14 purchase, and when delivered, the rifle or shotgun shall be unloaded and securely wrapped, with
15 the bill of sale for it to be enclosed within the wrapper with the rifle or shotgun. Any citizen of the
16 United States and/or lawful resident of this state who is ~~eighteen (18)~~ twenty-one (21) years of age
17 or older, and any nonresident member of the armed forces of the United States who is stationed in
18 this state and who is ~~eighteen (18)~~ twenty-one (21) years of age or older, may, upon application,
19 purchase or acquire a rifle or shotgun. At the time of applying for the purchase of a shotgun or rifle
20 the purchaser shall complete and sign in triplicate and deliver to the seller the application form
21 described in this section, and in no case shall it contain the serial number of the rifle or shotgun.

22 (Face of application form)

23 Application to Purchase Shotgun or Rifle

24 Date Hour A.M. P.M.
25 Name
26 Address
27 (Street and number) (City or town) (State)
28 Date of Birth Place of Birth
29 Height Weight Color hair
30 Color eyes
31 Scars
32 Tattoos
33 Other identifying marks
34 Are you a citizen of the United States

1 Are you a citizen of Rhode Island

2 How long

3 Where stationed

4 (Armed Forces only)

5 Number of rifles and/or shotguns to be purchased

6 Have you ever been convicted of a crime of violence

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

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

9

10 Have you ever been adjudicated or under confinement for alcoholism

11

12 Have you ever been confined or treated for mental illness

13 From whom is shotgun or rifle being purchased

14 Seller's address

15 Seller's signature

16 Applicant's signature

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

18 (Reverse side of application form)

19 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1

20 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island, and that I am aware of the

21 penalties for violation of the provisions of the cited sections.

22 Signed

23 County of

24 State of Rhode Island

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

26 Notary Public

27

28 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign and

29 forward by registered mail or by delivery in person, or by electronic mail if approved by the

30 applicable police department, the original and duplicate copies of the application to the chief of

31 police in the city or town in which the purchaser has his or her residence or to the superintendent

32 of the Rhode Island state police in the instance where the purchaser either resides in the town of

33 Exeter or resides out of state. The superintendent of the Rhode Island state police or the chief of

34 police in the city or town in which the purchaser has his or her residence shall mark or stamp the

1 original copy of the application form with the date and time of receipt and return it by the most
2 expeditious means to the seller. The triplicate copy duly signed by the seller shall within seven (7)
3 days be sent by him or her by registered mail, by delivery in person, or by electronic mail, to the
4 attorney general. The person who is selling the rifle or shotgun shall retain the original copy duly
5 receipted by the police authority to whom sent or delivered for a period of six (6) years with other
6 records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the
7 application form is sent or delivered to make a background check of the applicant to ascertain
8 whether he or she falls under the provisions of § 11-47-5, § 11-47-6, § 11-47-7, or § 11-47-23. If,
9 after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following application,
10 no disqualifying information has been received from the investigating police authority by the
11 person who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the
12 purchaser. Upon the finding of no disqualifying information under the provisions of the above cited
13 sections of this chapter, and in no case later than thirty (30) days after the date of application, the
14 duplicate and triplicate copies of the application will be destroyed. Retention of the duplicate and
15 triplicate copies in violation of this chapter or any unauthorized use of the information contained
16 in them by a person or agency shall be punishable by a fine of not more than one thousand dollars
17 (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly
18 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11-
19 47-39.

20 (c) The provisions of this section shall not apply to full-time members of the state police,
21 full-time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-
22 47-11, or to sales of air rifles or "BB guns" or to sales of antique firearms as defined in § 11-47-2.

23 **11-47-37. Sale to minors and others forbidden.**

24 No person shall sell a ~~pistol or revolver~~ [firearm](#) to any person under the age of twenty-one
25 (21) or to one who he or she has reasonable cause to believe falls under the provisions of § 11-47-
26 5, 11-47-6, 11-47-7, or 11-47-23.

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

29 **11-47-37.1. Persons exempt from age restrictions.**

30 [The provision of § 11-47-35.2 prohibiting the sale of rifles and shotguns to any person](#)
31 [under twenty-one \(21\) years of age and the provisions of § 11-47-37 shall not apply to full-time](#)
32 [members of the state police, full-time members of the state marshal's office, full-time members of](#)
33 [city or town police departments, or state marshals or correctional officers or persons while serving](#)
34 [on active duty as a member of the United States armed forces or organized reserved or National](#)

1 Guard.

2 **11-47-64. Sale of ammunition.**

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

5 (b) No person, firm or corporation shall sell ammunition to any person unless such person
6 is twenty-one (21) years of age or older and, after December 31, 2022, holds a valid pistol/revolver
7 safety certificate or Rhode Island hunter education course card issued by the department of
8 environmental management.

9 (c) The provisions of subsection (b) of this section shall not apply to full-time members of
10 the state police, full-time members of the state marshal's office, full-time members of city or town
11 police departments, or state marshals or correctional officers, persons serving on active duty as a
12 member of the United States armed forces or organized reserves or National Guard, or persons
13 licensed to carry a firearm pursuant to §§ 11-47-11 or 11-47-18.

14 (d) Any person who violates any provision of this section shall be guilty of a felony and
15 may be punished by up to five (5) years imprisonment and/or a five thousand dollar (\$5,000) fine.

16 SECTION 3. Section 11-47-34 of the General Laws in Chapter 11-47 entitled "Weapons"
17 is hereby repealed.

18 **~~11-47-34. Firearms permits to minors.~~**

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

27 SECTION 4. 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 sale
2 of firearms or ammunition. Full-time law enforcement, state marshals and members of the U.S.
3 military would be exempt from these prohibitions.

4 This act would take effect upon passage.

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