

2021 -- H 5970

LC001786

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Tanzi, Ajello, Ranglin-Vassell, Knight, Fogarty, Kislak, Amore, Henries, Batista, and Donovan

Date Introduced: February 26, 2021

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 non-resident 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 Have you ever been convicted of a crime of violence .....  
6 (See § 11-47-2 General Laws of Rhode Island)  
7 Have you ever been adjudicated or under confinement as addicted to a controlled substance  
8 .....  
9 Have you ever been adjudicated or under confinement for alcoholism .....  
10 .....  
11 Have you ever been confined or treated for mental illness .....  
12 From whom is shotgun or rifle being purchased .....  
13 Seller's address .....  
14 Seller's signature .....  
15 Applicant's signature .....

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

17 (Reverse side of application form)

18 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1  
19 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence Plantations,  
20 and that I am aware of the penalties for violation of the provisions of the cited sections.

21 Signed .....  
22 County of .....  
23 State of Rhode Island

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

25 Notary Public  
26 .....

27 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign and  
28 forward by registered mail or by delivery in person, or by electronic mail if approved by the  
29 applicable police department, the original and duplicate copies of the application to the chief of  
30 police in the city or town in which the purchaser has his or her residence or to the superintendent  
31 of the Rhode Island state police in the instance where the purchaser either resides in the town of  
32 Exeter or resides out of state. The superintendent of the Rhode Island state police or the chief of  
33 police in the city or town in which the purchaser has his or her residence shall mark or stamp the  
34 original copy of the application form with the date and time of receipt and return it by the most

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

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

21 **11-47-37. Sale to minors and others forbidden.**

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

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

27 **11-47-37.1. Persons exempt from age restrictions.**

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

34 **11-47-64. Sale of ammunition.**

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

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

6           (c) The provisions of subsection (b) of this section shall not apply to full-time members of  
7 the state police, full-time members of the state marshal's office, full-time members of city or town  
8 police departments, or state marshals or correctional officers or persons licensed to carry a firearm  
9 pursuant to §§ 11-47-11 or 11-47-18.

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

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

14           **11-47-34. Firearms permits to minors.**

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

23           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

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- 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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