

2021 -- S 0129

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators Coyne, Seveney, DiMario, DiPalma, and Euer

Date Introduced: January 26, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-11 and 11-47-34 of the General Laws in Chapter 11-47
2 entitled "Weapons" are hereby repealed.

3 ~~**11-47-11. License or permit to carry concealed pistol or revolver.**~~

4 ~~(a) The licensing authorities of any city or town shall, upon application of any person~~
5 ~~twenty one (21) years of age or over having a bona fide residence or place of business within the~~
6 ~~city or town, or of any person twenty one (21) years of age or over having a bona fide residence~~
7 ~~within the United States and a license or permit to carry a pistol or revolver concealed upon his or~~
8 ~~her person issued by the authorities of any other state or subdivision of the United States, issue a~~
9 ~~license or permit to the person to carry concealed upon his or her person a pistol or revolver~~
10 ~~everywhere within this state for four (4) years from date of issue, if it appears that the applicant has~~
11 ~~good reason to fear an injury to his or her person or property or has any other proper reason for~~
12 ~~carrying a pistol or revolver, and that he or she is a suitable person to be so licensed. The license~~
13 ~~or permit shall be in triplicate in form to be prescribed by the attorney general and shall bear the~~
14 ~~fingerprint, photograph, name, address, description, and signature of the licensee and the reason~~
15 ~~given for desiring a license or permit and in no case shall it contain the serial number of any firearm.~~
16 ~~The original shall be delivered to the licensee. Any member of the licensing authority, its agents,~~
17 ~~servants, and employees shall be immune from suit in any action, civil or criminal, based upon any~~
18 ~~official act or decision, performed or made in good faith in issuing a license or permit under this~~
19 ~~chapter.~~

1 ~~(b) Notwithstanding any other chapter or section of the general laws of the state of Rhode~~
2 ~~Island, the licensing authority of any city or town shall not provide or release to any individual,~~
3 ~~firm, association or corporation the name, address, or date of birth of any person who has held or~~
4 ~~currently holds a license or permit to carry a concealed pistol or revolver. This section shall not be~~
5 ~~construed to prohibit the release of any statistical data of a general nature relative to age, gender~~
6 ~~and racial or ethnic background nor shall it be construed to prevent the release of information to~~
7 ~~parties involved in any prosecution of § 11-47-8 or in response to a lawful subpoena in any criminal~~
8 ~~or civil action which the person is a party to that action.~~

9 **11-47-34. Firearms permits to minors:**

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

18 SECTION 2. Sections 11-47-8, 11-47-9.1, 11-47-12, 11-47-13, 11-47-18, 11-47-35.1, 11-
19 47-35.2 and 11-47-60 of the General Laws in Chapter 11-47 entitled "Weapons" are hereby
20 amended to read as follows:

21 **11-47-8. License or permit required for carrying pistol -- Other weapons prohibited.**

22 (a) No person shall, without a license or permit issued as provided in §§ ~~11-47-11~~, 11-47-
23 12, and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her
24 person whether visible or concealed, except in his or her dwelling house or place of business or on
25 land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of these
26 sections shall not apply to any person who is the holder of a valid license or permit issued by the
27 licensing authority of another state, or territory of the United States, or political subdivision of the
28 state or territory, allowing him or her to carry a pistol or revolver in any vehicle or conveyance or
29 on or about his or her person whether visible or concealed, provided the person is merely
30 transporting the firearm through the state in a vehicle or other conveyance without any intent on
31 the part of the person to detain him or herself or remain within the state of Rhode Island. No person
32 shall manufacture, sell, purchase, or possess a machine gun except as otherwise provided in this
33 chapter. Every person violating the provision of this section shall, upon conviction, be punished by
34 imprisonment for not less than one nor more than ten (10) years, or by a fine up to ten thousand

1 dollars (\$10,000), or both, and except for a first conviction under this section, shall not be afforded
2 the provisions of suspension or deferment of sentence, nor a probation.

3 (b) No person shall have in his or her possession or under his or her control any sawed-off
4 shotgun or sawed-off rifle as defined in § 11-47-2. Any person convicted of violating this
5 subsection shall be punished by imprisonment for up to ten (10) years, or by a fine of up to five
6 thousand dollars (\$5,000), or both.

7 (c) No person shall have in his or her possession or under his or her control any firearm
8 while the person delivers, possesses with intent to deliver, or manufactures a controlled substance.
9 Any person convicted of violating this subsection shall be punished by imprisonment for not less
10 than two (2) years nor more than twenty (20) years, and the sentence shall be consecutive to any
11 sentence the person may receive for the delivery, possession with intent to deliver, or the
12 manufacture of the controlled substance. It shall not be a defense to a violation of this subsection
13 that a person has a license or permit to carry or possess a firearm.

14 (d) It shall be unlawful for any person to possess a bump-fire device, binary trigger, trigger
15 crank, or any other device that when attached to a semi-automatic weapon allows full-automatic
16 fire. Individuals who possess these items shall have ninety (90) days from the enactment of this
17 section to either sell, destroy, or otherwise remove these items from the state of Rhode Island. Every
18 person violating the provisions of this section shall, upon conviction, be punished by imprisonment
19 for not less than one nor more than ten (10) years, or by a fine up to ten thousand dollars (\$10,000),
20 or both, and, except for a first conviction under this section, shall not be afforded the provisions of
21 suspension or deferment of sentence, nor a probation.

22 (e) No person shall manufacture, sell, offer to sell, transfer, purchase, possess, or have
23 under his or her control a ghost gun or an undetectable firearm or any firearm produced by a 3D
24 printing process. Any person convicted of violating this subsection shall be punished by
25 imprisonment of not more than ten (10) years, or by a fine up to ten thousand dollars (\$10,000), or
26 both and except for a first conviction under this section shall not be afforded the provisions of
27 suspension or deferment of sentence, probation, nor fine. These provisions shall not apply to
28 federally licensed manufacturers (FLN) pursuant to Alcohol, Tobacco, Firearms, and Explosives
29 (ATF) regulations.

30 **11-47-9.1. Additional exemptions.**

31 The provisions of §§ 11-47-8 and ~~11-47-11~~ [11-47-18](#) shall not apply to members of the
32 state police, members of city or town police forces, and members of the Rhode Island airport police
33 department. Persons exempted by the provisions of this section from the provisions of § 11-47-8
34 shall have the right to carry concealed firearms everywhere within this state; provided, that this

1 shall not be construed as giving the right to carry concealed firearms to a person transporting
2 firearms as merchandise or as household or business goods.

3 **11-47-12. License or permit fee.**

4 A fee of forty dollars (\$40.00) shall be charged and shall be paid for each license or permit
5 to the licensing authority issuing it. Every license or permit shall be valid for four (4) years from
6 the date when issued unless sooner revoked. The fee charged for issuing of the license or permit
7 shall be applied for the use and benefit of the ~~city, town, or~~ state of Rhode Island.

8 **11-47-13. Revocation of license or permit.**

9 Any license or permit may be revoked for just cause at any time by the ~~authority granting~~
10 ~~it, and, upon revocation, the authority shall give immediate notice to the~~ attorney general, who shall
11 immediately note the revocation, with the date of revocation, upon the copy of the license or permit
12 on file in his or her office.

13 **11-47-18. License or permit issued by attorney general on showing of need -- Issuance**
14 **to retired police officers.**

15 (a) The attorney general may issue a license or permit to any person twenty-one (21) years
16 of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person upon
17 a proper showing of need, subject to the provisions of §§ 11-47-12 and 11-47-15; that license or
18 permit may be issued notwithstanding the provisions of § 11-47-7. Such person must undergo a
19 national criminal records check, which shall include fingerprints submitted to the Federal Bureau
20 of Investigation (FBI) by the bureau of criminal identification of the department of attorney general.
21 The applicant shall be responsible for the cost of the national criminal records check.

22 (b) ~~All state police officers and permanent members of city and town police forces of this~~
23 ~~state who have retired in good standing after at least twenty (20) years of service, or retired in good~~
24 ~~standing due to a physical disability other than a psychological impairment, may be issued a license~~
25 ~~or permit by the attorney general subject to the provisions of §§ 11-47-12 and 11-47-15. The term~~
26 ~~"in good standing" means that at the time of retirement, the police officer was not facing~~
27 ~~disciplinary action that could have resulted in his or her termination for misconduct or unfitness for~~
28 ~~office.~~ Any member of the licensing authority, and its agents, servants, and employees shall be
29 immune from suit in any action, civil or criminal, based upon any official act or decision, performed
30 or made in good faith in issuing a license or permit under this chapter.

31 (c) Notwithstanding any other chapter or section of the general laws of the state of Rhode
32 Island, the attorney general shall not provide or release to any individual, firm, association or
33 corporation the name, address, or date of birth of any person who has held or currently holds a
34 license or permit to carry a concealed pistol or revolver. This section shall not be construed to

1 prohibit the release of any statistical data of a general nature relative to age, gender and racial or
2 ethnic background nor shall it be construed to prevent the release of information to parties involved
3 in any prosecution of § 11-47-8 or in response to a lawful subpoena in any criminal or civil action
4 which said person is a party to such action.

5 [\(d\) Local law enforcement shall cooperate with the attorney general throughout the](#)
6 [permitting process.](#)

7 **11-47-35.1. Persons exempt from § 11-47-35.**

8 The provisions of § 11-47-35 shall not apply to full-time members of the state police, full-
9 time members of the state marshal's office, full-time members of city or town police departments,
10 or state marshals or correctional officers or persons licensed under § ~~11-47-11~~ [11-47-18](#).

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) years of age or older, and any
17 non-resident member of the armed forces of the United States who is stationed in this state and who
18 is eighteen (18) years of age or older, may, upon application, purchase or acquire a rifle or shotgun.
19 At the time of applying for the purchase of a shotgun or rifle the purchaser shall complete and sign
20 in triplicate and deliver to the seller the application form described in this section, and in no case
21 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~~ § 11-47-9, or to sales of air rifles or "BB guns" or to sales of antique firearms as defined in
21 § 11-47-2.

22 **11-47-60. Possession of firearms on school grounds.**

23 (a)(1) No person shall have in his or her possession any firearm or other weapons on school
24 grounds.

25 (2) For the purposes of this section, "school grounds" means the property of a public or
26 private elementary or secondary school or in those portions of any building, stadium, or other
27 structure on school grounds which were, at the time of the violation, being used for an activity
28 sponsored by or through a school in this state or while riding school provided transportation.

29 (3) Every person violating the provisions of this section shall, upon conviction, be
30 sentenced to imprisonment for not less than one year nor more than five (5) years, or shall be fined
31 not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000).

32 (4) Any juvenile adjudicated delinquent pursuant to this statute shall, in addition to
33 whatever other penalties are imposed by the family court, lose his or her license to operate a motor
34 vehicle for up to six (6) months. If the juvenile has not yet obtained the necessary age to obtain a

1 license, the court may impose as part of its sentence a delay in his or her right to obtain the license
2 when eligible to do so, for a period of up to six (6) months.

3 (b) The provisions of this section shall not apply to any person who shall be exempt
4 pursuant to the provisions of §§ 11-47-9, ~~11-47-11~~, and 11-47-18 or to the following activities
5 when the activities are officially recognized and sanctioned by the educational institution:

- 6 (1) Firearm instruction and/or safety courses;
- 7 (2) Government-sponsored military-related programs such as ROTC;
- 8 (3) Interscholastic shooting and/or marksmanship events;
- 9 (4) Military history and firearms collection courses and/or programs; and
- 10 (5) The use of blank guns in theatrical and/or athletic events.

11 (c) The provisions of this section shall not apply to colleges, universities, or junior colleges.

12 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 repeal the authority to local authorities to issue permits to carry concealed
2 weapons and gives only the attorney general the authority to issue permits, repeals provisions
3 allowing minors, under certain conditions to carry firearms, requires a national criminal
4 background check on every applicant for a concealed carry permit, requires local law enforcement
5 to cooperate in the permitting process and repeals provisions allowing permits to be issued to law
6 enforcement officers who have retired in good standing after at least twenty (20) years of service.

7 This act would take effect upon passage.

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