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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Valencia, Ajello, Handy, Finn, and Messier

Date Introduced: April 11, 2013

Referred To: House 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2 entitled "Weapons" are hereby repealed.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.** -- (a) The licensing~~
4 ~~authorities of any city or town shall, upon application of any person twenty one (21) years of age~~
5 ~~or over having a bona fide residence or place of business within the city or town, or of any person~~
6 ~~twenty one (21) years of age or over having a bona fide residence within the United States and a~~
7 ~~license or permit to carry a pistol or revolver concealed upon his or her person issued by the~~
8 ~~authorities of any other state or subdivision of the United States, issue a license or permit to the~~
9 ~~person to carry concealed upon his or her person a pistol or revolver everywhere within this state~~
10 ~~for four (4) years from date of issue, if it appears that the applicant has good reason to fear an~~
11 ~~injury to his or her person or property or has any other proper reason for carrying a pistol or~~
12 ~~revolver, and that he or she is a suitable person to be so licensed. The license or permit shall be in~~
13 ~~triplicate in form to be prescribed by the attorney general and shall bear the fingerprint,~~
14 ~~photograph, name, address, description, and signature of the licensee and the reason given for~~
15 ~~desiring a license or permit and in no case shall it contain the serial number of any firearm. The~~
16 ~~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~~
18 ~~any official act or decision, performed or made in good faith in issuing a license or permit under~~
19 ~~this chapter.~~

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

9 ~~**11-47-34. Firearms permits to minors.** -- The Rhode Island state police or the chief of~~
10 ~~police of the city or town in which the person resides shall issue permits to any person under~~
11 ~~eighteen (18) years of age only upon satisfactory proof of being engaged in a course of training in~~
12 ~~the use of firearms at a regular and recognized camp or rifle range, and provided that the person~~
13 ~~has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of~~
14 ~~junior divisions of senior gun clubs incorporated in the state of Rhode Island shall be prima facie~~
15 ~~evidence of the person under eighteen (18) years of age being engaged in a course of training in~~
16 ~~the use of firearms at a regular and recognized camp or rifle range.~~

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

20 **11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**

21 ~~--~~ (a) No person shall, without a license or permit issued as provided in sections ~~11-47-11~~, 11-47-
22 12 and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her
23 person whether visible or concealed, except in his or her dwelling house or place of business or
24 on land possessed by him or her or as provided in sections 11-47-9 and 11-47-10. The provisions
25 of these sections shall not apply to any person who is the holder of a valid license or permit
26 issued by the licensing authority of another state, or territory of the United States, or political
27 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any
28 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the
29 person is merely transporting the firearm through the state in a vehicle or other conveyance
30 without any intent on the part of the person to detain him or herself or remain within the state of
31 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as
32 otherwise provided in this chapter. Every person violating the provision of this section shall, upon
33 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by
34 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this

1 section shall not be afforded the provisions of suspension or deferment of sentence, nor a
2 probation.

3 (b) No person shall have in his or her possession or under his or her control any sawed-
4 off shotgun or sawed-off rifle as defined in section 11-47-2. Any person convicted of violating
5 this subsection shall be punished by imprisonment for up to ten (10) years, or by a fine of up to
6 five 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
9 substance. Any person convicted of violating this subsection shall be punished by imprisonment
10 for not less than two (2) years nor more than twenty (20) years, and the sentence shall be
11 consecutive to any sentence the person may receive for the delivery, possession with intent to
12 deliver, or the manufacture of the controlled substance. It shall not be a defense to a violation of
13 this subsection that a person has a license or permit to carry or possess a firearm.

14 **11-47-9.1. Additional exemptions.** -- The provisions of sections 11-47-8 and ~~11-47-11~~
15 ~~11-47-18~~ shall not apply to members of the state police, members of city or town police forces,
16 and members of the Rhode Island airport police department. Persons exempted by the provisions
17 of this section from the provisions of section 11-47-8 shall have the right to carry concealed
18 firearms everywhere within this state; provided, that this shall not be construed as giving the right
19 to carry concealed firearms to a person transporting firearms as merchandise or as household or
20 business goods.

21 **11-47-12. License or permit fee.** -- A fee of ~~forty dollars (\$40.00)~~ one hundred forty
22 dollars (\$140) shall be charged and shall be paid for each license or permit to the licensing
23 authority issuing it. Every license or permit shall be valid for four (4) years from the date when
24 issued unless sooner revoked. The fee charged for issuing of the license or permit shall be applied
25 for the use and benefit of the ~~city, town, or~~ state of Rhode Island.

26 **11-47-13. Revocation of license or permit.** -- Any license or permit may be revoked for
27 just cause at any time by the ~~authority granting it, and, upon revocation, the authority shall give~~
28 ~~immediate notice to the~~ attorney general, who shall immediately note the revocation, with the
29 date of revocation, upon the copy of the license or permit on file in his or her office.

30 **11-47-18. License or permit issued by attorney general on showing of need --**
31 **Issuance to retired police officers.** -- (a) The attorney general may issue a license or permit to
32 any person twenty-one (21) years of age or over to carry a pistol or revolver, whether concealed
33 or not, upon his or her person upon a proper showing of need, subject to the provisions of sections
34 11-47-12 and 11-47-15; that license or permit may be issued notwithstanding the provisions of

1 section 11-47-7. Such person must undergo a national criminal records check, which shall include
2 fingerprints submitted to the federal bureau of investigation (FBI) by the bureau of criminal
3 identification (BCI) of the department of the attorney general. The applicant shall be responsible
4 for the cost of conducting the national criminal records check.

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

14 (c) Notwithstanding any other chapter or section of the general laws of the state of
15 Rhode Island, the attorney general shall not provide or release to any individual, firm, association
16 or corporation the name, address, or date of birth of any person who has held or currently holds a
17 license or permit to carry a concealed pistol or revolver. This section shall not be construed to
18 prohibit the release of any statistical data of a general nature relative to age, gender and racial or
19 ethnic background nor shall it be construed to prevent the release of information to parties
20 involved in any prosecution of section 11-47-8 or in response to a lawful subpoena in any
21 criminal or civil action which said person is a party to such action.

22 (d) Local law enforcement agencies shall cooperate with the attorney general throughout
23 the permitting process.

24 **11-47-35.1. Persons exempt from section 11-47-35.** -- The provisions of section 11-47-
25 35 shall not apply to full-time members of the state police, full-time members of the state
26 marshal's office, full-time members of city or town police departments, or state marshals or
27 correctional officers or persons licensed under section ~~11-47-11~~ 11-47-18.

28 **11-47-35.2. Sale of rifles/shotguns.** -- (a) No person shall deliver a rifle or shotgun to a
29 purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00) noon of the day
30 following the day of application for the purchase, and when delivered, the rifle or shotgun shall
31 be unloaded and securely wrapped, with the bill of sale for it to be enclosed within the wrapper
32 with the rifle or shotgun. Any citizen of the United States and/or lawful resident of this state who
33 is eighteen (18) years of age or older, and any non-resident member of the armed forces of the
34 United States who is stationed in this state and who is eighteen (18) years of age or older, may,

1 upon application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase
2 of a shotgun or rifle the purchaser shall complete and sign in triplicate and deliver to the seller the
3 application form described in this section, and in no case shall it contain the serial number of the
4 rifle or shotgun.

5 (Face of application form)

6 Application to Purchase Shotgun or Rifle

7 Date Hour A.M. P.M.

8 Name

9 Address

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

11 Date of Birth Place of Birth

12 Height Weight Color hair.....

13 Color eyes

14 Scars

15 Tattoos

16 Other identifying marks

17 Are you a citizen of the United States

18 Are you a citizen of Rhode Island

19 How long

20 Where stationed

21 (Armed Forces only)

22 Have you ever been convicted of a crime of violence

23 (See section 11-47-2 General Laws of Rhode Island)

24 Have you ever been adjudicated or under confinement as addicted to a controlled substance
25

26 Have you ever been adjudicated or under confinement for alcoholism

27 Have you ever been confined or treated for mental illness

28 From whom is shotgun or rifle being purchased

29 Seller's address

30 Seller's signature

31 Applicant's signature

32 (See section 11-47-23 for penalty for false information on this application)

33 (Reverse side of application form)

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

1 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence Plantations,
2 and that I am aware of the penalties for violation of the provisions of the cited sections.

3 Signed

4 County of

5 State of Rhode Island

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

7 Notary Public

8 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign
9 and forward by registered mail or by delivery in person, the original and duplicate copies of the
10 application to the superintendent of the Rhode Island state police or the chief of police in the city
11 or town in which the seller has his or her residence or place of business. The superintendent of the
12 Rhode Island state police or the chief of police in the city or town in which the person has his or
13 her residence or place of business shall mark or stamp the original copy of the application form
14 with the date and time of receipt and return it by the most expeditious means to the seller. The
15 triplicate copy duly signed by the seller shall within seven (7) days be sent by him or her by
16 registered mail to the attorney general. The person shall retain the original copy duly received by
17 the police authority to whom sent or delivered for a period of six (6) years with other records of
18 the sale. It shall be the duty of the police authority to whom the duplicate copy of the application
19 form is sent or delivered to make a background check of the applicant to ascertain whether he or
20 she falls under the provisions of section 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse
21 of seven (7) days from twelve o'clock (12:00) noon of the day following application, no
22 disqualifying information has been received from the investigating police authority by the person
23 who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the applicant.
24 Upon the finding of no disqualifying information under the provisions of the above cited sections
25 of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate
26 and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate
27 copies in violation of this chapter or any unauthorized use of the information contained in them
28 by a person or agency shall be punishable by a fine of not more than one thousand dollars
29 (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly
30 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of
31 section 11-47-39.

32 (c) The provisions of this section shall not apply to full-time members of the state police,
33 full-time members of city or town police departments, persons licensed under sections 11-47-9
34 ~~and 11-47-11~~, or to sales of air rifles or " BB guns" or to sales of antique firearms as defined in

1 section 11-47-2.

2 **11-47-60. Possession of firearms on school grounds.** -- (a) (1) No person shall have in
3 his or her possession any firearm or other weapons on school grounds.

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

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

11 (4) Any juvenile adjudicated delinquent pursuant to this statute shall, in addition to
12 whatever other penalties are imposed by the family court, lose his or her license to operate a
13 motor vehicle for up to six (6) months. If the juvenile has not yet obtained the necessary age to
14 obtain a license, the court may impose as part of its sentence a delay in his or her right to obtain
15 the license when eligible to do so, for a period of up to six (6) months.

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

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

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

27 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 require any person requesting a license or permit to carry a pistol or
2 revolver upon his or her person to undergo a national criminal records check and would limit
3 those authorized to issue said license or permit to the office of attorney general.

4 This act would take effect upon passage.

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