

2018 -- H 7862

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representative James N. McLaughlin

Date Introduced: February 28, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **11-47-32. ~~Possession of ammunition by minor.~~ Possession of ammunition by minors**
4 **and others.**

5 Except as provided in § 11-47-33, it shall be unlawful within this state for any person
6 under ~~eighteen (18)~~ twenty one (21) years of age to possess and use ammunition, including any
7 priming charge of powder, propelling charge of powder, or any form of missile or projectile to be
8 ejected from a firearm.

9 **11-47-33. ~~Possession of firearms by minors.~~ Possession of firearms by minors and**
10 **others.**

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

1 further, that a person under ~~eighteen (18)~~ twenty one (21) years of age may carry a firearm,
2 unloaded, in a suitable case to and from his or her home and the camp or range and from the
3 camp or range to other camp or range when accompanied by a parent, guardian or supervising
4 adult.

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

7 **11-47-34. Firearms permits to minors. Firearms permits to minors and others.**

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

16 **11-47-35.2. Sale of rifles/shotguns.**

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

28 (Face of application form)

29 Application to Purchase Shotgun or Rifle

30 Date Hour A.M. P.M.

31 Name

32 Address

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

34 Date of Birth Place of Birth

1 Height Weight Color hair

2 Color eyes

3 Scars

4 Tattoos

5 Other identifying marks

6 Are you a citizen of the United States

7 Are you a citizen of Rhode Island

8 How long

9 Where stationed

10 (Armed Forces only)

11 Have you ever been convicted of a crime of violence

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

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

14

15 Have you ever been adjudicated or under confinement for alcoholism

16

17 Have you ever been confined or treated for mental illness

18 From whom is shotgun or rifle being purchased

19 Seller's address

20 Seller's signature

21 Applicant's signature

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

23 (Reverse side of application form)

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

25 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence

26 Plantations, and that I am aware of the penalties for violation of the provisions of the cited

27 sections.

28 Signed

29 (over)

30 County of

31 State of Rhode Island

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

33 Notary Public

34

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

25 (c) The provisions of this section shall not apply to full-time members of the state police,
26 full-time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-
27 47-11, or to sales of air rifles or " BB guns" or to sales of antique firearms as defined in § 11-47-
28 2.

29 **11-47-37. Sale to minors and others forbidden.**

30 No person shall sell a ~~pistol or revolver~~ [firearm](#) to any person under the age of twenty-
31 one (21) or to one who he or she has reasonable cause to believe falls under the provisions of §
32 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

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

1 **11-47-32.1. Persons exempt from § 11-47-32.**

2 The provisions of § 11-47-32 shall not apply to full-time members of the state police,
3 full-time members of the state marshal's office, full-time members of city or town police
4 departments, or state marshals or correctional officers or persons while serving on active duty as a
5 member of the United States armed forces or organized reserves or National Guard.

6 **11-47-33.1. Persons exempt from § 11-47-33.**

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

11 (b) Persons eighteen (18) years of age but under twenty-one (21) years of age in lawful
12 possession of a firearm prior to July 1, 2018.

13 **11-47-35.4. Persons exempt from § 11-47-35.2.**

14 The provisions of § 11-47-32 shall not apply to full-time members of the state police,
15 full-time members of the state marshal's office, full-time members of city or town police
16 departments, or state marshals or correctional officers or persons while serving on active duty as a
17 member of the United States armed forces or organized reserves or National Guard.

18 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 raise the legal age to purchase or possess a rifle or shotgun from eighteen
2 (18) years of age to twenty-one (21) years of age. The act would also "grandfather" lawful current
3 ownership by persons under twenty-one (21) years of age, and would make an exemption for
4 police and military.

5 This act would take effect upon passage.

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