

2018 -- H 7863

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LC005079
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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 (c) For the purposes of this chapter, firearm, rifle or shotgun shall include any:

8 (1) "Semiautomatic assault pistol" which means any semiautomatic pistol with the
9 capacity to accept a detachable magazine and which possesses: a barrel shroud; or a forward grip;
10 or a threaded barrel; or has the capacity to accept a detachable magazine at some location outside
11 the pistol grip; or is a semiautomatic version of a machine gun.

12 (2) "Semiautomatic assault rifle" which means any belt-fed semiautomatic rifle or any
13 semiautomatic rifle that has the capacity to accept a detachable magazine and which possesses: a
14 pistol grip; or a forward grip; or a folding, telescoping or detachable stock; or a grenade launcher;
15 or a barrel shroud; or a threaded barrel.

16 (3) "Semiautomatic assault shotgun" which means any semiautomatic shotgun which
17 possesses: a folding, telescoping or detachable stock; or a pistol grip; or capacity to accept a
18 detachable magazine; a fixed magazine with a capacity to accept more than five (5) rounds of
19 ammunition; a forward grip; a grenade launcher; or a revolving cylinder for ammunition.

20 (4) "Semiautomatic assault weapon" which means any semiautomatic assault rifle,
21 semiautomatic assault pistol and/or semiautomatic assault shotgun.

22 **11-47-34. Firearms permits to minors. Firearms permits to minors and others.**

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

31 **11-47-35.2. Sale of rifles/shotguns.**

32 (a) No person shall deliver a rifle or shotgun to a purchaser until seven (7) days shall
33 have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the
34 purchase, and when delivered, the rifle or shotgun shall be unloaded and securely wrapped, with

1 the bill of sale for it to be enclosed within the wrapper with the rifle or shotgun. Any citizen of
2 the United States and/or lawful resident of this state who is ~~eighteen (18)~~ twenty one (21) years of
3 age or older, and any non-resident member of the armed forces of the United States who is
4 stationed in this state and who is ~~eighteen (18)~~ twenty one (21) years of age or older, may, upon
5 application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase of a
6 shotgun or rifle the purchaser shall complete and sign in triplicate and deliver to the seller the
7 application form described in this section, and in no case shall it contain the serial number of the
8 rifle or shotgun.

9 (Face of application form)

10 Application to Purchase Shotgun or Rifle

11 Date Hour A.M. P.M.
12 Name
13 Address
14 (Street and number) (City or town) (State)
15 Date of Birth Place of Birth
16 Height Weight Color hair
17 Color eyes
18 Scars
19 Tattoos
20 Other identifying marks
21 Are you a citizen of the United States
22 Are you a citizen of Rhode Island
23 How long
24 Where stationed
25 (Armed Forces only)
26 Have you ever been convicted of a crime of violence
27 (See § 11-47-2 General Laws of Rhode Island)
28 Have you ever been adjudicated or under confinement as addicted to a controlled substance
29
30 Have you ever been adjudicated or under confinement for alcoholism
31
32 Have you ever been confined or treated for mental illness
33 From whom is shotgun or rifle being purchased
34 Seller's address

1 Seller's signature
2 Applicant's signature

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

4 (Reverse side of application form)

5 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1
6 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence
7 Plantations, and that I am aware of the penalties for violation of the provisions of the cited
8 sections.

9 Signed

10 (over)

11 County of

12 State of Rhode Island

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

14 Notary Public

15

16 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign
17 and forward by registered mail or by delivery in person, the original and duplicate copies of the
18 application to the superintendent of the Rhode Island state police or the chief of police in the city
19 or town in which the seller has his or her residence or place of business. The superintendent of the
20 Rhode Island state police or the chief of police in the city or town in which the person has his or
21 her residence or place of business shall mark or stamp the original copy of the application form
22 with the date and time of receipt and return it by the most expeditious means to the seller. The
23 triplicate copy duly signed by the seller shall within seven (7) days be sent by him or her by
24 registered mail to the attorney general. The person shall retain the original copy duly received by
25 the police authority to whom sent or delivered for a period of six (6) years with other records of
26 the sale. It shall be the duty of the police authority to whom the duplicate copy of the application
27 form is sent or delivered to make a background check of the applicant to ascertain whether he or
28 she falls under the provisions of § 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse of
29 seven (7) days from twelve o'clock (12:00) noon of the day following application, no
30 disqualifying information has been received from the investigating police authority by the person
31 who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the applicant.
32 Upon the finding of no disqualifying information under the provisions of the above cited sections
33 of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate
34 and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate

1 copies in violation of this chapter or any unauthorized use of the information contained in them
2 by a person or agency shall be punishable by a fine of not more than one thousand dollars
3 (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly
4 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of §
5 11-47-39.

6 (c) The provisions of this section shall not apply to full-time members of the state police,
7 full-time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-
8 47-11, or to sales of air rifles or " BB guns" or to sales of antique firearms as defined in § 11-47-
9 2.

10 **11-47-37. Sale to minors and others forbidden.**

11 No person shall sell a ~~pistol or revolver~~ [firearm](#) to any person under the age of twenty-
12 one (21) or to one who he or she has reasonable cause to believe falls under the provisions of §
13 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

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

16 **11-47-32.1. Persons exempt from § 11-47-32.**

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

21 **11-47-33.1. Persons exempt from § 11-47-33.**

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

26 [\(b\) Persons eighteen \(18\) years of age but under twenty-one \(21\) years of age in lawful](#)
27 [possession of a firearm prior to July 1, 2018.](#)

28 **11-47-35.4. Persons exempt from § 11-47-35.2.**

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

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- WEAPONS

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

5 This act would take effect upon passage.

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