

2019 -- H 5172

=====
LC000322
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

—————
A N A C T

RELATING TO CRIMINAL OFFENSES-WEAPONS

Introduced By: Representatives Marshall, Shekarchi, and Almeida

Date Introduced: January 23, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-30, 11-47-33, 11-47-34 and 11-47-35.2 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.**

4 (a) It shall be unlawful within this state for any person to sell, transfer, give, convey, or
5 cause to be sold, transferred, given or conveyed any firearm to any person under ~~eighteen (18)~~
6 twenty-one (21) years of age, when the person knows or has reason to know that the recipient is
7 under ~~eighteen (18)~~ twenty-one (21) years of age, except for the limited purposes set forth in §§
8 11-47-33 and 11-47-34 and with the prior approval or consent of the parent or legal guardian of
9 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
12 prohibitions of this section shall not apply to any federally and state licensed retail dealer who
13 makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of an air rifle,
14 air pistol, "blank 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)~~ twenty-one
17 (21) years of age to possess and use any firearm unless he or she shall hold a permit as provided
18 in § 11-47-34, and unless the person is in the presence of a parent or guardian or supervising adult
19 at any regular and recognized camp or rifle range approved by the Rhode Island state police or by

1 the chief of police of the city or town in which the camp or rifle range is located; provided, that
2 this provision shall not apply to minors engaged in lawful hunting activity under the supervision
3 of a parent or guardian or qualified adult, minors participating in Reserve Officer Training Corps
4 programs, ceremonial parade activities, competitive and target shooting, participants in state
5 militia activities and minors participating in a basic firearms education program; provided,
6 further, that a person under ~~eighteen (18)~~ twenty-one (21) years of age may carry a firearm,
7 unloaded, in a suitable case to and from his or her home and the camp or range and from the
8 camp or range to other camp or range when accompanied by a parent, guardian or supervising
9 adult.

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

12 **11-47-34. Firearms permits to minors.**

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

21 **11-47-35.2. Sale of rifles/shotguns.**

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

33 (Face of application form)

34 Application to Purchase Shotgun or Rifle

1 Date Hour A.M. P.M.

2 Name

3 Address

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

5 Date of Birth Place of Birth

6 Height Weight Color hair

7 Color eyes

8 Scars

9 Tattoos

10 Other identifying marks

11 Are you a citizen of the United States

12 Are you a citizen of Rhode Island

13 How long

14 Where stationed

15 (Armed Forces only)

16 Have you ever been convicted of a crime of violence

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

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

19

20 Have you ever been adjudicated or under confinement for alcoholism

21

22 Have you ever been confined or treated for mental illness

23 From whom is shotgun or rifle being purchased

24 Seller's address

25 Seller's signature

26 Applicant's signature

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

28 (Reverse side of application form)

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

30 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence

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

32 sections.

33 Signed

34 County of

1 State of Rhode Island

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

3 Notary Public

4

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

29 (c) The provisions of this section shall not apply to full-time members of the state police,
30 full-time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-
31 47-11, or to sales of air rifles or " BB guns" or to sales of antique firearms as defined in § 11-47-
32 2.

1 SECTION 2. This act shall take effect upon passage.

=====
LC000322
=====

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 a rifle or shotgun from eighteen (18) years
2 of age to twenty-one (21) years of age, prohibit the sale of firearms to anyone under the age of
3 twenty-one (21) and raise the age for minors with permits for sporting purposes and training to
4 the age of twenty-one (21).

5 This act would take effect upon passage.

=====
LC000322
=====