

2018 -- H 8024

LC005277

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Diaz, Slater, Maldonado, Tanzi, and McKiernan

Date Introduced: March 29, 2018

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-4, 11-47-30, 11-47-31, 11-47-32, 11-47-33, 11-47-34 and
2 11-47-35.2 of the General Laws in Chapter 11-47 entitled "Weapons" are hereby amended to read
3 as follows:

4 **11-47-4. Being armed prima facie evidence of intention.**

5 In the trial of a person for committing or attempting to commit a crime of violence, the
6 fact that he or she was armed with or had available a pistol or revolver without license to carry it,
7 ~~or~~ was armed with or had available a machine gun, or was armed with or had available a rifle or
8 shotgun in violation of this chapter, shall be prima facie evidence of his or her intention to
9 commit the crime of violence.

10 **11-47-30. Sale, transfer or delivery of firearms to minors.**

11 (a) It shall be unlawful within this state for any person to sell, transfer, give, convey, or
12 cause to be sold, transferred, given or conveyed any firearm to any person under ~~eighteen (18)~~
13 twenty-one (21) years of age, when the person knows or has reason to know that the recipient is
14 under ~~eighteen (18)~~ twenty-one (21) years of age, except for the limited purposes set forth in §§
15 11-47-33 and 11-47-34 and with the prior approval or consent of the parent or legal guardian of
16 the minor.

17 (b) Every person violating this section shall be punished, upon conviction, by
18 imprisonment for not less than ten (10) years and not more than twenty (20) years. The
19 prohibitions of this section shall not apply to any federally and state licensed retail dealer who

1 makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of an air rifle,
2 air pistol, "blank gun" or "BB gun."

3 **11-47-31. Sale, transfer or delivery of ammunition 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 ammunition, including any priming charge of
6 powder, propelling charge of powder, or any form of missile or projectile to be ejected from a
7 firearm to any person under ~~eighteen (18)~~ twenty-one (21) years of age when the person knows or
8 has reason to know that the recipient is under ~~eighteen (18)~~ twenty-one (21) years of age, except
9 for the limited purposes set forth in §§ 11-47-33 and 11-47-34 and with the prior approval or
10 consent of the parent or legal guardian of the minor.

11 (b) Every person violating this section shall be punished, upon conviction, by
12 imprisonment for a term not to exceed ten (10) years. The prohibitions of this section shall not
13 apply to any federally and state licensed retail dealer who makes reasonable efforts to verify a
14 purchaser's age and shall not apply to the sale of ammunition for an air rifle, air pistol, "blank
15 gun" or "BB gun."

16 **11-47-32. Possession of ammunition by minor.**

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

21 **11-47-33. Possession of firearms by minors.**

22 (a) It shall be unlawful within this state for any person under ~~eighteen (18)~~ twenty-one
23 (21) years of age to possess and use any firearm unless he or she shall hold a permit as provided
24 in § 11-47-34, and unless the person is in the presence of a parent or guardian or ~~supervising~~
25 qualifying adult at any regular and recognized camp or rifle range approved by the Rhode Island
26 state police or by the chief of police of the city or town in which the camp or rifle range is
27 located; provided, that this provision shall not apply to minors engaged in lawful hunting activity
28 under the supervision of a parent or guardian or qualified adult, minors participating in Reserve
29 Officer Training Corps programs, ceremonial parade activities, competitive and target shooting,
30 participants in state militia activities and minors participating in a basic firearms education
31 program; provided, further, that a person under ~~eighteen (18)~~ twenty-one (21) years of age may
32 carry a firearm, unloaded, in a suitable case to and from his or her home and the camp or range
33 and from the camp or range to other camp or range when accompanied by a parent, guardian or
34 supervising adult.

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

3 **11-47-34. Firearms permits to minors.**

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

12 **11-47-35.2. Sale of rifles/shotguns.**

13 (a) No person shall deliver a rifle or shotgun to a purchaser until seven (7) days shall
14 have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the
15 purchase, and when delivered, the rifle or shotgun shall be unloaded and securely wrapped, with
16 the bill of sale for it to be enclosed within the wrapper with the rifle or shotgun. Any citizen of
17 the United States and/or lawful resident of this state who is ~~eighteen (18)~~ twenty-one (21) years of
18 age or older, and any non-resident member of the armed forces of the United States who is
19 stationed in this state and who is ~~eighteen (18)~~ twenty-one (21) years of age or older, may, upon
20 application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase of a
21 shotgun or rifle the purchaser shall:

22 (1) Complete ~~complete~~ and sign in triplicate and deliver to the seller the application form
23 described in this section, and in no case shall it contain the serial number of the rifle or shotgun;
24 and

25 (2) Shall present to the person selling the rifle or shotgun a rifle/shotgun safety certificate
26 issued by the department of environmental management. The certificate shall be retained in the
27 possession of the buyer. The rifle/shotgun safety certificate shall certify that the purchaser has
28 completed a basic rifle/shotgun safety course as shall be administered by the department of
29 environmental management.

30 (Face of application form)

31 Application to Purchase Shotgun or Rifle

32 Date Hour A.M. P.M.
33 Name
34 Address

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

2 Date of Birth Place of Birth

3 Height Weight Color hair

4 Color eyes

5 Scars

6 Tattoos

7 Other identifying marks

8 Are you a citizen of the United States

9 Are you a citizen of Rhode Island

10 How long

11 Where stationed

12 (Armed Forces only)

13 Have you ever been convicted of a crime of violence

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

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

16

17 Have you ever been adjudicated or under confinement for alcoholism

18

19 Have you ever been confined or treated for mental illness

20 From whom is shotgun or rifle being purchased

21 Seller's address

22 Seller's signature

23 Applicant's signature

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

25 (Reverse side of application form)

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

27 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence

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

29 sections.

30 Signed

31 (over)

32 County of

33 State of Rhode Island

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

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

(c)(1) The department of environmental management shall establish the basic rifle/shotgun safety course required by this section. The safety course shall consist of not less than two (2) hours of instruction in the safe use and handling of rifles and shotguns and the course shall be available to buyers continually throughout the year at convenient times and places but at least monthly at locations throughout the state, or more frequently, as required. Proficiency in the use of rifles or shotguns shall not be prerequisite for the issuance of the safety certificate. No person shall be required to complete the course more than once; provided, that any person completing the course who is unable to produce the safety certificate issued by the department of

1 environmental management shall be required to take the course again, unless the person provides
2 evidence to the department that they had already successfully completed the course.

3 (2) The administration of the basic rifle/shotgun safety course required by this section
4 shall not exceed the cost of thirty-five thousand dollars (\$35,000) in any fiscal year.

5 (d) Proof of passage of the department of environmental management's basic hunter
6 safety course, shall be equivalent to the rifle/shotgun safety certificate, mandated by this section.

7 (e) Any person who has reason to believe that they do not need the required rifle/shotgun
8 safety course may apply by any written means to the department of environmental management to
9 take an objective test on the subject of matter of the rifle/shotgun safety course. The test shall be
10 prepared, as well as an instruction manual upon which the test shall be based, by the department.
11 The manual shall be made available by any means to the applicant who may, within the time
12 limits for application, take the objective test at the department or at any location where the
13 rifle/shotgun safety course is being given. Any person receiving a passing grade on the test shall
14 be issued a rifle/shotgun safety certificate by the department.

15 (f) The following persons shall be issued basic rifle/shotgun permits by the department of
16 environmental management: sheriffs; deputy sheriffs; The superintendent and members of the
17 state police; prison or jail wardens or their deputies; members of the city or town police force;
18 members of the park police; conservation officers; members of the airport police and officers of
19 the United States government authorized by law to carry a concealed firearm and, at the
20 discretion of the department of environmental management, any person who can satisfactorily
21 establish that they formerly held one of these offices or were so authorized.

22 (g) Any person who is serving in the Army, Navy, Air Force, Marine Corps or Coast
23 Guard on active duty shall not be required to obtain a basic rifle/shotgun safety certificate or basic
24 rifle/shotgun permit under this section so long as they remain on active duty.

25 (h) Any person who is serving in the active reserve components of the Army, Navy, Air
26 Force, Marine Corps or Coast Guard, or any person in an active duty paid status in the Rhode
27 Island National Guard, shall not be required to obtain a basic rifle/shotgun safety certificate under
28 this section so long as they remain in active status.

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

1 SECTION 2. This act shall take effect on July 1, 2018, and shall apply to any rifle or
2 shotgun purchased on or after July 1, 2018.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- WEAPONS

1 This act would increase the lawful age to purchase a rifle or shotgun to from eighteen
2 (18) years of age to twenty one (21) years of age. The act would also require a person to complete
3 a basic rifle/shotgun safety course before they can legally purchase a rifle/shotgun.

4 This act would take effect on July 1, 2018, and would apply to any rifle or shotgun
5 purchased on or after July 1, 2018.

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