2022 -- H 7457 AS AMENDED

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2022

A N A C T
RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Tanzi, Ranglin-Vassell, Cassar, Felix, McGaw, Donovan, Alzate, Giraldo, Kazarian, and Kislak
Date Introduced: February 11, 2022
Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Sections 11-47-30, 11-47-33, 11-47-35.2 and 11-47-37 of the General Laws in Chapter 11-47 entitled "Weapons" are hereby amended to read as follows:

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

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

(b) Every person violating this section shall be punished, upon conviction, by imprisonment for not less than ten (10) years and not more than twenty (20) years. The prohibitions of this section shall not apply to any federally and state licensed retail dealer who makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of an air rifle, air pistol, "blank gun" or "BB gun."

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

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

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

(Face of application form)
Application to Purchase Shotgun or Rifle

Date ………………………………………… Hour …………………………………… A.M. P.M.
Name ………………………………………………………………………………………………………
Address ……………………………………………………………………………………………………

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

Date of Birth ……………………………… Place of Birth ………………………………

Height ………………………… Weight ……………… Color hair ………………………

Color eyes ……………………………………………………………………………………………

Scars …………………………………………………………………………………………………

Tattoos ……………………………………………………………………………………………

Other identifying marks ………………………………………………………………………

Are you a citizen of the United States …………………………………………………
Are you a citizen of Rhode Island .................................................................

How long .................................................................................................

Where stationed ........................................................................................

(Armed Forces only) ....................................................................................

Number of rifles and/or shotguns to be purchased ........................................

Have you ever been convicted of a crime of violence ...................................

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

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

Have you ever been adjudicated or under confinement for alcoholism ..................

Have you ever been confined or treated for mental illness ...............................}

From whom is shotgun or rifle being purchased ...............................................}

Seller's address .........................................................................................

Seller's signature ........................................................................................

Applicant's signature ...................................................................................

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

(Reverse side of application form)

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

Signed ........................................................................................................

County of ...................................................................................................

State of Rhode Island

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

Notary Public

(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, or by electronic mail if approved by the applicable police department, the original and duplicate copies of the application to the chief of police in the city or town in which the purchaser has his or her residence or to the superintendent of the Rhode Island state police in the instance where the purchaser either resides in the town of Exeter or resides out of state. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the purchaser has his or her residence 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, by delivery in person, or by electronic mail, to the attorney general. The person who is selling the rifle or shotgun shall retain the original copy duly receipted 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 purchaser. 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) The provisions of this section shall not apply to full-time members of the state police, full-time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-47-11, or to sales of air rifles or "BB guns" or to sales of antique firearms as defined in § 11-47-2.

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

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

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

11-47-37.1. Persons exempt from age restrictions.

The provision of § 11-47-35.2 prohibiting the sale of rifles and shotguns to any person under twenty-one (21) years of age and the provisions of § 11-47-37 shall not apply to full-time members of the state police, full-time members of the state marshal's office, full-time members of city or town police departments, or state marshals or correctional officers or persons while serving on active duty as a member of the United States armed forces or organized reserved or National
Sale of ammunition.

(a) For the purposes of this section "ammunition" means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm as defined in § 11-47-2.

(b) No person, firm or corporation shall sell ammunition to any person unless such person is twenty-one (21) years of age or older and, after December 31, 2022, holds a valid pistol/revolver safety certificate or Rhode Island hunter education course card issued by the department of environmental management.

(c) The provisions of subsection (b) of this section shall not apply to full-time members of the state police, full-time members of the state marshal's office, full-time members of city or town police departments, or state marshals or correctional officers, persons serving on active duty as a member of the United States armed forces or organized reserves or National Guard, or persons licensed to carry a firearm pursuant to §§ 11-47-11 or 11-47-18.

(d) Any person who violates any provision of this section shall be guilty of a felony and may be punished by up to five (5) years imprisonment and/or a five thousand dollar ($5,000) fine.


Firearms permits to minors.

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

SECTION 4. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO CRIMINAL OFFENSES -- WEAPONS

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1 This act would increase the age from eighteen (18) to twenty-one (21) years for lawful sale
2 of firearms or ammunition. Full-time law enforcement, state marshals and members of the U.S.
3 military would be exempt from these prohibitions.
4 This act would take effect upon passage.

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