

2023 -- H 5434

LC001293

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Caldwell, Knight, Kazarian, McEntee, Craven, McGaw,  
Dawson, Batista, Ajello, and Boylan

Date Introduced: February 08, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-60.1 of the General Laws in Chapter 11-47 entitled "Weapons"  
2 is hereby amended to read as follows:

3 **11-47-60.1. ~~Safe storage.~~ Safe storage - Unsafe storage of a firearm.**

4 (a) Nothing in this section shall be construed to reduce or limit any existing right to  
5 purchase and own firearms and/or ammunition or to provide authority to any state or local agency  
6 to infringe upon the privacy of any family, home or business except by lawful warrant.

7 (b) A person who stores or leaves a firearm in any place is guilty of the violation of unsafe  
8 storage of a firearm unless the firearm is secured in a locked container or equipped with a tamper-  
9 resistant mechanical lock or other safety device, properly engaged in order to render such firearm  
10 inoperable by any person other than the owner or other lawfully authorized user. For purposes of  
11 this section, such firearm shall not be deemed stored or left if the firearm is being carried by or is  
12 within such proximity to its owner or other lawfully authorized user that the firearm can be readily  
13 retrieved and used as if carried on said person. Any violation of this subsection shall result in, for  
14 a first offense, a civil infraction punishable by a fine of not more than two hundred fifty dollars  
15 (\$250), and for a second offense, a civil infraction punishable by a fine of not more than one  
16 thousand dollars (\$1,000). A third or subsequent violation of this subsection shall, upon conviction,  
17 be punished by imprisonment for no more than six (6) months, or a fine of not more than five  
18 hundred dollars (\$500), or both.

19 ~~(b)~~(c) A person who stores or leaves on premises under his or her control a ~~loaded~~ firearm

1 and who knows or reasonably should know that a child is likely to gain access to the firearm without  
2 the permission of the child's parent or guardian, ~~and the child~~ or who knows or reasonably should  
3 know that a person who is prohibited, under state or federal law, from purchasing or possessing  
4 firearms is likely to gain access to the firearm, is guilty of criminal storage of a firearm in the  
5 second degree if a child or person who is prohibited, under state or federal law, from purchasing or  
6 possessing firearms obtains access to the firearm, ~~and causes injury to himself or herself or any~~  
7 ~~other person with the firearm, is guilty of the crime of criminal storage of a firearm and,~~ Any person  
8 who violates this section shall, upon conviction, ~~shall be punished by imprisonment for no more~~  
9 ~~than one year, or~~ be fined not more than one thousand dollars (\$1,000) ~~or imprisoned for not more~~  
10 ~~than one year~~, or both. For purposes of this section, a "child" is defined as any person who has not  
11 attained the age of ~~sixteen (16)~~ eighteen (18) years.

12 (d) A person is guilty of criminal storage of a firearm in the first degree if they commit the  
13 crime of criminal storage in the second degree and the firearm obtained by a child or a person who  
14 is prohibited, under state or federal law, from purchasing or possessing firearms is used by said  
15 person in the commission of a crime or to cause injury to himself or herself or any other person.  
16 Any violation of this subsection shall, upon conviction, be punishable by imprisonment for not  
17 more than five (5) years, or a fine of not more than five thousand dollars (\$5,000), or both.

18 ~~(e)~~(e) The provisions of ~~subsection (b)~~ subsections (c) and (d) of this section shall not apply  
19 whenever any of the following occurs:

20 (1) The child or person who is prohibited, under state or federal law, from purchasing or  
21 possessing firearms obtains the firearm as a result of an illegal entry of any premises by any person  
22 or an illegal taking of the firearm from the premises of the owner without permission of the owner;

23 (2) The firearm is ~~kept in a locked container or in a location which a reasonable person~~  
24 ~~would believe to be~~ secured in a locked container or equipped with a tamper-resistant mechanical  
25 lock or other safety device, properly engaged in order to render such firearm inoperable by any  
26 person other than the owner or other lawfully authorized user;

27 (3) The firearm is carried ~~on~~ by the ~~person~~ owner or other lawfully authorized user or  
28 within such a close proximity so that the individual can readily retrieve and use the firearm as if  
29 carried on the person; and

30 (4) ~~The firearm is locked with a locking device;~~

31 (5) The child or person who is prohibited, under state or federal law, from purchasing or  
32 possessing firearms obtains or obtains and discharges the firearm in a lawful act of self-defense or  
33 defense of another person;

34 ~~(6) The person who keeps a loaded firearm on any premises which is under his or her~~

1 ~~custody or control has no reasonable expectations, based on objective facts and circumstances, that~~  
2 ~~a child is likely to be present on the premises.~~

3 ~~(f)~~(1) If the person who allegedly violated this section is the parent or guardian of a child  
4 who is injured or who dies as the result of an accidental shooting, the ~~attorney general's department~~  
5 attorney general shall consider among other factors, the impact of the injury or death on the person  
6 who has allegedly violated this section when deciding whether to prosecute an alleged violation.

7 (2) It is the intent of the general assembly that a parent or guardian of a child who is injured  
8 or who dies of an accidental shooting shall be prosecuted only in those instances in which the parent  
9 or guardian behaved in a grossly negligent manner.

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

12 **11-47-60.4. Secure storage information and awareness.**

13 (a)At any site where firearms sales or transfers are conducted by licensed dealers in Rhode  
14 Island, the licensed dealers shall conspicuously display a sign containing the information set forth  
15 in subsection (b) of this section, in any area where the sales or transfers occur. Such signs shall be  
16 posted in a manner so that they can be easily viewed by persons to whom firearms are sold or  
17 transferred, and shall not be removed, obscured, or rendered illegible. If the site where the sales or  
18 transfers occur are the premises listed on the dealer's federal firearms license(s), an additional such  
19 sign shall be placed at or near the entrance.

20 (b) Each informational sign shall be at least eight and one-half inches (8 ½") high by eleven  
21 inches (11") wide, and feature black text against a white background and letters that are at least  
22 one-half inch (1/2") high. The signs shall not contain other statements or markings other than the  
23 following text, in English and Spanish:

24 WARNING: Access to a firearm in the home significantly increases the risk of suicide,  
25 death during domestic violence disputes, and the unintentional death of children, household  
26 members, or others. If you or a loved one is experiencing distress and/or depression, call the 988  
27 Suicide and Crisis hotline or text "HOME" to 741741.

28 Secure firearm storage is the law in Rhode Island. Rhode Island state law requires gun  
29 owners to securely store their firearms any time the firearms are not in their possession or control  
30 and to securely store firearms in premises under their control where a child or person prohibited  
31 from purchasing or possessing firearms is likely to gain access to them. Failure to securely store  
32 firearms as required by law may result in fines and/or criminal prosecution.

33 (c) The department of health, in consultation with the state police, shall develop detailed  
34 printed information to be made available to licensed dealers at no cost to the dealers, in English

1 and Spanish, regarding the risks of access to firearms, state laws requiring secure firearm storage,  
2 a summary of the major provisions of chapter 47 of title 11 relating to firearms, including, but not  
3 limited to, the duties of the sellers and purchasers and possessors of firearms, and suicide prevention  
4 resources. Licensed dealers shall distribute this printed information to all purchasers of firearms.

5 (d). The department of health and department of education shall annually develop detailed  
6 information for students and their families, parents and guardians regarding the importance of  
7 secure gun storage to protect minors from accessing firearms, the risks of access to firearms, secure  
8 firearm storage requirements under state law, and suicide prevention and other behavioral health  
9 resources. School districts shall annually distribute a pamphlet containing this information, in  
10 English and in Spanish, to all enrolled students and their parents or guardians and make this  
11 information electronically accessible on the district's webpage.

12 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

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1           This act would require the safe storage of firearms and would provide civil penalties and  
2 criminal penalties for violations.

3           This act would take effect upon passage.

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