

2019 -- S 0156

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senators Coyne, Seveney, Euer, DiPalma, and Conley

Date Introduced: January 24, 2019

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 11-47-11 and 11-47-34 of the General Laws in Chapter 11-47  
2 entitled "Weapons" are hereby repealed.

3           ~~**11-47-11. License or permit to carry concealed pistol or revolver.**~~

4           ~~(a) The licensing authorities of any city or town shall, upon application of any person~~  
5 ~~twenty one (21) years of age or over having a bona fide residence or place of business within the~~  
6 ~~city or town, or of any person twenty one (21) years of age or over having a bona fide residence~~  
7 ~~within the United States and a license or permit to carry a pistol or revolver concealed upon his or~~  
8 ~~her person issued by the authorities of any other state or subdivision of the United States, issue a~~  
9 ~~license or permit to the person to carry concealed upon his or her person a pistol or revolver~~  
10 ~~everywhere within this state for four (4) years from date of issue, if it appears that the applicant~~  
11 ~~has good reason to fear an injury to his or her person or property or has any other proper reason~~  
12 ~~for carrying a pistol or revolver, and that he or she is a suitable person to be so licensed. The~~  
13 ~~license or permit shall be in triplicate in form to be prescribed by the attorney general and shall~~  
14 ~~bear the fingerprint, photograph, name, address, description, and signature of the licensee and the~~  
15 ~~reason given for desiring a license or permit and in no case shall it contain the serial number of~~  
16 ~~any firearm. The original shall be delivered to the licensee. Any member of the licensing~~  
17 ~~authority, its agents, servants, and employees shall be immune from suit in any action, civil or~~  
18 ~~criminal, based upon any official act or decision, performed or made in good faith in issuing a~~  
19 ~~license or permit under this chapter.~~

1           ~~(b) Notwithstanding any other chapter or section of the general laws of the state of Rhode~~  
2 ~~Island, the licensing authority of any city or town shall not provide or release to any individual,~~  
3 ~~firm, association or corporation the name, address, or date of birth of any person who has held or~~  
4 ~~currently holds a license or permit to carry a concealed pistol or revolver. This section shall not~~  
5 ~~be construed to prohibit the release of any statistical data of a general nature relative to age,~~  
6 ~~gender and racial or ethnic background nor shall it be construed to prevent the release of~~  
7 ~~information to parties involved in any prosecution of § 11-47-8 or in response to a lawful~~  
8 ~~subpoena in any criminal or civil action which the person is a party to that action.~~

9           **11-47-34. Firearms permits to minors:**

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

18           SECTION 2. Sections 11-47-8, 11-47-9.1, 11-47-12, 11-47-13, 11-47-18, 11-47-35.1, 11-  
19 47-35.2 and 11-47-60 of the General Laws in Chapter 11-47 entitled "Weapons" are hereby  
20 amended to read as follows:

21           **11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**

22           (a) No person shall, without a license or permit issued as provided in §§ ~~11-47-11~~, 11-47-  
23 12, and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her  
24 person whether visible or concealed, except in his or her dwelling house or place of business or  
25 on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of  
26 these sections shall not apply to any person who is the holder of a valid license or permit issued  
27 by the licensing authority of another state, or territory of the United States, or political  
28 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any  
29 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the  
30 person is merely transporting the firearm through the state in a vehicle or other conveyance  
31 without any intent on the part of the person to detain him or herself or remain within the state of  
32 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as  
33 otherwise provided in this chapter. Every person violating the provision of this section shall, upon  
34 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by

1 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this  
2 section, shall not be afforded the provisions of suspension or deferment of sentence, nor a  
3 probation.

4 (b) No person shall have in his or her possession or under his or her control any sawed-  
5 off shotgun or sawed-off rifle as defined in § 11-47-2. Any person convicted of violating this  
6 subsection shall be punished by imprisonment for up to ten (10) years, or by a fine of up to five  
7 thousand dollars (\$5,000), or both.

8 (c) No person shall have in his or her possession or under his or her control any firearm  
9 while the person delivers, possesses with intent to deliver, or manufactures a controlled  
10 substance. Any person convicted of violating this subsection shall be punished by imprisonment  
11 for not less than two (2) years nor more than twenty (20) years, and the sentence shall be  
12 consecutive to any sentence the person may receive for the delivery, possession with intent to  
13 deliver, or the manufacture of the controlled substance. It shall not be a defense to a violation of  
14 this subsection that a person has a license or permit to carry or possess a firearm.

15 (d) It shall be unlawful for any person to possess a bump-fire device, binary trigger,  
16 trigger crank, or any other device that when attached to a semi-automatic weapon allows full-  
17 automatic fire. Individuals who possess these items shall have ninety (90) days from the  
18 enactment of this section to either sell, destroy, or otherwise remove these items from the state of  
19 Rhode Island. Every person violating the provisions of this section shall, upon conviction, be  
20 punished by imprisonment for not less than one nor more than ten (10) years, or by a fine up to  
21 ten thousand dollars (\$10,000), or both, and, except for a first conviction under this section, shall  
22 not be afforded the provisions of suspension or deferment of sentence, nor a probation.

23 **11-47-9.1. Additional exemptions.**

24 The provisions of §§ 11-47-8 and ~~11-47-11~~ [11-47-18](#) shall not apply to members of the  
25 state police, members of city or town police forces, and members of the Rhode Island airport  
26 police department. Persons exempted by the provisions of this section from the provisions of §  
27 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided,  
28 that this shall not be construed as giving the right to carry concealed firearms to a person  
29 transporting firearms as merchandise or as household or business goods.

30 **11-47-12. License or permit fee.**

31 A fee of forty dollars (\$40.00) shall be charged and shall be paid for each license or  
32 permit to the licensing authority issuing it. Every license or permit shall be valid for four (4) years  
33 from the date when issued unless sooner revoked. The fee charged for issuing of the license or  
34 permit shall be applied for the use and benefit of the ~~city, town, or~~ state of Rhode Island.

1           **11-47-13. Revocation of license or permit.**

2           Any license or permit may be revoked for just cause at any time by the ~~authority granting~~  
3 ~~it, and, upon revocation, the authority shall give immediate notice to the~~ attorney general, who  
4 shall immediately note the revocation, with the date of revocation, upon the copy of the license or  
5 permit on file in his or her office.

6           **11-47-18. License or permit issued by attorney general on showing of need --**  
7 **Issuance to retired police officers.**

8           (a) The attorney general may issue a license or permit to any person twenty-one (21)  
9 years of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person  
10 upon a proper showing of need, subject to the provisions of §§ 11-47-12 and 11-47-15; that  
11 license or permit may be issued notwithstanding the provisions of § 11-47-7. Such person must  
12 undergo a national criminal records check, which shall include fingerprints submitted to the  
13 Federal Bureau of Investigation (FBI) by the bureau of criminal identification of the department  
14 of attorney general. The applicant shall be responsible for the cost of conducting the national  
15 criminal records check.

16           (b) ~~All state police officers and permanent members of city and town police forces of this~~  
17 ~~state who have retired in good standing after at least twenty (20) years of service, or retired in~~  
18 ~~good standing due to a physical disability other than a psychological impairment, may be issued a~~  
19 ~~license or permit by the attorney general subject to the provisions of §§ 11-47-12 and 11-47-15.~~  
20 ~~The term "in good standing" means that at the time of retirement, the police officer was not facing~~  
21 ~~disciplinary action that could have resulted in his or her termination for misconduct or unfitness~~  
22 ~~for office.~~ Any member of the licensing authority, and its agents, servants, and employees shall  
23 be immune from suit in any action, civil or criminal, based upon any official act or decision,  
24 performed or made in good faith in issuing a license or permit under this chapter.

25           (c) Notwithstanding any other chapter or section of the general laws of the state of Rhode  
26 Island, the attorney general shall not provide or release to any individual, firm, association or  
27 corporation the name, address, or date of birth of any person who has held or currently holds a  
28 license or permit to carry a concealed pistol or revolver. This section shall not be construed to  
29 prohibit the release of any statistical data of a general nature relative to age, gender and racial or  
30 ethnic background nor shall it be construed to prevent the release of information to parties  
31 involved in any prosecution of § 11-47-8 or in response to a lawful subpoena in any criminal or  
32 civil action which said person is a party to such action.

33           (d) Local law enforcement agencies shall cooperate with the attorney general throughout  
34 the permitting process.

1 **11-47-35.1. Persons exempt from § 11-47-35.**

2 The provisions of § 11-47-35 shall not apply to full-time members of the state police,  
3 full-time members of the state marshal's office, full-time members of city or town police  
4 departments, or state marshals or correctional officers or persons licensed under § ~~11-47-11~~ [11-](#)  
5 [47-18](#).

6 **11-47-35.2. Sale of rifles/shotguns.**

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

17 (Face of application form)

18 Application to Purchase Shotgun or Rifle

19 Date ..... Hour ..... A.M. P.M.  
20 Name .....  
21 Address .....  
22 (Street and number) (City or town) (State)  
23 Date of Birth ..... Place of Birth .....  
24 Height ..... Weight ..... Color hair .....  
25 Color eyes .....  
26 Scars .....  
27 Tattoos .....  
28 Other identifying marks .....  
29 Are you a citizen of the United States .....  
30 Are you a citizen of Rhode Island .....  
31 How long .....  
32 Where stationed .....  
33 (Armed Forces only) .....  
34 Have you ever been convicted of a crime of violence .....

1 (See § 11-47-2 General Laws of Rhode Island)  
2 Have you ever been adjudicated or under confinement as addicted to a controlled substance  
3 .....  
4 Have you ever been adjudicated or under confinement for alcoholism .....  
5 .....  
6 Have you ever been confined or treated for mental illness .....  
7 From whom is shotgun or rifle being purchased .....  
8 Seller's address .....  
9 Seller's signature .....  
10 Applicant's signature .....

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

12 (Reverse side of application form)

13 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1  
14 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence  
15 Plantations, and that I am aware of the penalties for violation of the provisions of the cited  
16 sections.

17 Signed .....  
18 County of .....  
19 State of Rhode Island

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

21 Notary Public  
22 .....

23 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign  
24 and forward by registered mail or by delivery in person, the original and duplicate copies of the  
25 application to the superintendent of the Rhode Island state police or the chief of police in the city  
26 or town in which the seller has his or her residence or place of business. The superintendent of the  
27 Rhode Island state police or the chief of police in the city or town in which the person has his or  
28 her residence or place of business shall mark or stamp the original copy of the application form  
29 with the date and time of receipt and return it by the most expeditious means to the seller. The  
30 triplicate copy duly signed by the seller shall within seven (7) days be sent by him or her by  
31 registered mail to the attorney general. The person shall retain the original copy duly received by  
32 the police authority to whom sent or delivered for a period of six (6) years with other records of  
33 the sale. It shall be the duty of the police authority to whom the duplicate copy of the application  
34 form is sent or delivered to make a background check of the applicant to ascertain whether he or

1 she falls under the provisions of § 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse of  
2 seven (7) days from twelve o'clock (12:00) noon of the day following application, no  
3 disqualifying information has been received from the investigating police authority by the person  
4 who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the applicant.  
5 Upon the finding of no disqualifying information under the provisions of the above cited sections  
6 of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate  
7 and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate  
8 copies in violation of this chapter or any unauthorized use of the information contained in them  
9 by a person or agency shall be punishable by a fine of not more than one thousand dollars  
10 (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly  
11 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of §  
12 11-47-39.

13 (c) The provisions of this section shall not apply to full-time members of the state police,  
14 full-time members of city or town police departments, persons licensed under ~~§§ 11-47-9 and 11-~~  
15 ~~47-11~~ § 11-47-9, or to sales of air rifles or "BB guns" or to sales of antique firearms as defined in  
16 § 11-47-2.

17 **11-47-60. Possession of firearms on school grounds.**

18 (a)(1) No person shall have in his or her possession any firearm or other weapons on  
19 school grounds.

20 (2) For the purposes of this section, "school grounds" means the property of a public or  
21 private elementary or secondary school or in those portions of any building, stadium, or other  
22 structure on school grounds which were, at the time of the violation, being used for an activity  
23 sponsored by or through a school in this state or while riding school provided transportation.

24 (3) Every person violating the provisions of this section shall, upon conviction, be  
25 sentenced to imprisonment for not less than one year nor more than five (5) years, or shall be  
26 fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000).

27 (4) Any juvenile adjudicated delinquent pursuant to this statute shall, in addition to  
28 whatever other penalties are imposed by the family court, lose his or her license to operate a  
29 motor vehicle for up to six (6) months. If the juvenile has not yet obtained the necessary age to  
30 obtain a license, the court may impose as part of its sentence a delay in his or her right to obtain  
31 the license when eligible to do so, for a period of up to six (6) months.

32 (b) The provisions of this section shall not apply to any person who shall be exempt  
33 pursuant to the provisions of §§ 11-47-9, ~~11-47-11~~, and 11-47-18 or to the following activities  
34 when the activities are officially recognized and sanctioned by the educational institution:

- 1 (1) Firearm instruction and/or safety courses;
- 2 (2) Government-sponsored military-related programs such as ROTC;
- 3 (3) Interscholastic shooting and/or marksmanship events;
- 4 (4) Military history and firearms collection courses and/or programs; and
- 5 (5) The use of blank guns in theatrical and/or athletic events.
- 6 (c) The provisions of this section shall not apply to colleges, universities, or junior
- 7 colleges.

8 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 limit the issuance of pistol and revolver carry permits to the office of the  
2 attorney general.

3           This act would take effect upon passage.

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