

2016 -- S 2564

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LC004520
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senators Miller, Metts, Jabour, Nesselbush, and Conley

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
2 by adding thereto the following section:

3 **11-47-35.4. Sale or transfer to a party who is not intended owner or processor. – (a)**
4 No person, entity or dealer shall sell, loan, or transfer a firearm to any person whom the person,
5 entity or dealer knows or has cause to believe is not the actual purchaser or transferee of the
6 firearm, or to anyone who is not the one actually being loaned the firearm, if the person, entity or
7 dealer has knowledge that the firearm is to be subsequently sold, loaned or transferred to avoid
8 the application process or disclosure forms required by §§11-47-35 or 11-47-35.2.

9 (b) No person, entity or dealer shall acquire a firearm for the purpose of selling, loaning
10 or transferring the firearm, if the person, entity or dealer has the intent to avoid the provisions of
11 §§11-47-35 or 11-47-35.2.

12 (c) Any person violating the provisions of this section shall, upon conviction, be punished
13 by imprisonment for not less than one, nor more than ten (10) years, or by a fine up to ten
14 thousand dollars (\$10,000), or both. Any person violating the provisions of this section upon a
15 second or subsequent conviction shall be punished by imprisonment for not less than two (2)
16 years, nor more than fifteen (15) years or a fine up to fifteen thousand dollars (\$15,000), or both.
17 Any person convicted of a second or subsequent offense shall not be afforded the provisions of
18 suspension or deferment of sentence, nor probation.

19 (d) This section shall not apply to the temporary loan of a firearm to a person who may

1 [lawfully possess a firearm while that person is lawfully hunting or lawfully target shooting with](#)
2 [this state or lawfully engaged in any of the activities authorized by §11-47-9.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide that no person, entity, or dealer shall sell, loan, transfer or acquire
2 a firearm from any person, entity or dealer with the intent to avoid the application/disclosure
3 process required by §§11-47-35 or 11-47-35.2. The act of loaning or transferring a gun to a
4 person who may lawfully possess a gun for lawful purposes such as hunting or target shooting
5 would be exempt from this prohibition.

6 This act would take effect upon passage.

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