

2023 -- H 5214

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Craven, Shanley, Vella-Wilkinson, Noret, and
Costantino

Date Introduced: January 19, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-35.1 and 11-47-35.2 of the General Laws in Chapter 11-47
2 entitled "Weapons" are hereby amended to read as follows:

3 **11-47-35.1. Persons exempt from § 11-47-35.**

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

7 **11-47-35.2. Sale of rifles/shotguns.**

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

18 (Face of application form)

19 Application to Purchase Shotgun or Rifle

1 Date Hour A.M. P.M.

2 Name

3 Address

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

5 Date of Birth Place of Birth

6 Height Weight Color hair

7 Color eyes

8 Scars

9 Tattoos

10 Other identifying marks

11 Are you a citizen of the United States

12 Are you a citizen of Rhode Island

13 How long

14 Where stationed

15 (Armed Forces only)

16 Number of rifles and/or shotguns to be purchased

17 Have you ever been convicted of a crime of violence

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

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

20

21 Have you ever been adjudicated or under confinement for alcoholism

22

23 Have you ever been confined or treated for mental illness

24 From whom is shotgun or rifle being purchased

25 Seller's address

26 Seller's signature

27 Applicant's signature

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

29 (Reverse side of application form)

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

31 47-59, inclusive, of the general laws of the State of Rhode Island, and that I am aware of the

32 penalties for violation of the provisions of the cited sections.

33 Signed

34 County of

1 State of Rhode Island

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

3 Notary Public

4

5 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign and
6 forward by registered mail or by delivery in person, or by electronic mail if approved by the
7 applicable police department, the original and duplicate copies of the application to the chief of
8 police in the city or town in which the purchaser has his or her residence or to the superintendent
9 of the Rhode Island state police in the instance where the purchaser either resides in the town of
10 Exeter or resides out of state. The superintendent of the Rhode Island state police or the chief of
11 police in the city or town in which the purchaser has his or her residence shall mark or stamp the
12 original copy of the application form with the date and time of receipt and return it by the most
13 expeditious means to the seller. The triplicate copy duly signed by the seller shall within seven (7)
14 days be sent by him or her by registered mail, by delivery in person, or by electronic mail, to the
15 attorney general. The person who is selling the rifle or shotgun shall retain the original copy duly
16 receipted by the police authority to whom sent or delivered for a period of six (6) years with other
17 records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the
18 application form is sent or delivered to make a background check of the applicant to ascertain
19 whether he or she falls under the provisions of § 11-47-5, § 11-47-6, § 11-47-7, or § 11-47-23. If,
20 after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following application,
21 no disqualifying information has been received from the investigating police authority by the
22 person who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the
23 purchaser. Upon the finding of no disqualifying information under the provisions of the above cited
24 sections of this chapter, and in no case later than thirty (30) days after the date of application, the
25 duplicate and triplicate copies of the application will be destroyed. Retention of the duplicate and
26 triplicate copies in violation of this chapter or any unauthorized use of the information contained
27 in them by a person or agency shall be punishable by a fine of not more than one thousand dollars
28 (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly
29 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11-
30 47-39.

31 (c) The provisions of this section shall not apply to full-time members of the state police,
32 [full-time members of the capitol police](#), full-time members of city or town police departments,
33 persons licensed under §§ 11-47-9 and 11-47-11, or to sales of air rifles or “BB guns” or to sales
34 of antique firearms as defined in § 11-47-2.

1 SECTION 2. 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

1 This act would exempt full-time members of the capitol police from the seven (7) day
2 waiting period and other requirements for purchasing concealable firearms or rifles and shotguns.

3 This act would take effect upon passage.

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