

Rhode Island State Law
Gen. Laws of RI
Title 11, Chapter 47. Weapons

11-47-2. Definition of terms. When used in this chapter, the following words and phrases shall be construed as follows:

- (1) **"Antique firearm"** shall be defined as that term is defined under the provisions of Title 18, United States Code, Subsection 921, (18 U.S.C. § 921).
- (2) **"Crime of violence"** shall mean and include any of the following crimes or an attempt to commit any of them; murder, manslaughter, rape, first or second degree sexual assault, first or second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery, burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a dangerous weapon, assault or burglary involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony; upon any conviction of an offense punishable as a felony under § 12-29-5.
- (3) **"Firearm"** shall include any machinegun, pistol, rifle, air rifle, air pistol, **"blank gun," "B.B. gun,"** so-called or other instrument from which steel or metal projectiles are propelled, or which may readily be converted to expel a projectile, except recurve, compound, or longbows and except instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of any such weapon shall be construed as a firearm under the provisions of this section.
- (4) **"Fugitive from justice"** shall mean any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.
- (5) **"Licensing authorities"** shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and, in towns where there is no chief of police or superintendent of police, it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.
- (6) **"Machinegun"** means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if the parts are in the possession or under the control of a person.
- (7) **"Person"** shall include individual, partnership, firm, association or corporation.
- (8) **"Pistol"** shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six inches (26"), but

shall not include any pistol or revolver designed for the use of blank cartridges only.

(9) "Sawed-off-rifle" shall mean any rifle with overall length of less than twenty-six inches (26") and/or barrel length of less than sixteen inches (16").

(10) "Sawed-off-shotgun" shall mean any shotgun with overall length of less than twenty-six inches (26") and/or barrel length of less than eighteen inches (18").

(11) "Sell" shall include let or hire, give, lend, and transfer, and the word **"purchase"** shall include hire, accept, and borrow, and the expression **"purchasing"** shall be construed accordingly.

11-47-3. Carrying dangerous weapons or substances when committing crime of violence. * * * [Contact State authority]. * * * *

11-47-3.1 Carrying a stolen firearm when committing crime of violence. * * * [Contact State authority]. * * * *

11-47-4. Being armed prima facie evidence of intention. * * * [Contact State authority]. * * * *

11-47-5. Possession of arms by person convicted of crime of violence who is a fugitive from justice.

(a) No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport, or have in his or her possession any firearm.

(b) Notwithstanding the provision of subsection (a) herein, no person convicted of an offense punishable as a felony offense under § 12-29-5 shall purchase, carry, own, transport, or have in his or her possession any firearm, for a period of two (2) years following the date of conviction.

(c) No person who is in community confinement pursuant to the provisions of § 42-56-20.2 or who is otherwise subject to electronic surveillance or monitoring devices as a condition of parole shall purchase, carry, transport, or have in his or her possession any firearm. This subsection shall not apply to any person who has not been convicted of (or pleaded guilty or nolo contendere to) a crime of violence in a court of competent jurisdiction.

(d) Every person violating the provisions of this section shall, upon conviction, be punished by imprisonment for not less than (2) nor more than ten (10) years; and for penalties provided in this section he or she shall not be afforded the benefit of suspension or deferment of sentence nor of probation.

11-47-5.1. Larceny of a firearm. (a) Every person who shall steal any firearm shall be deemed guilty of larceny. Firearm, as utilized in this section only, shall not apply to an air rifle, air pistol, "blank gun" or "B.B. gun." * * *

11-47-6. Mental incompetents, drug addicts, and drunkards prohibited from possession. No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard, shall purchase,

own, carry, transport, or have in his or her possession or under his or her control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he or she is a mentally stable person and a proper person to possess firearms, make application for the purchase of the firearm(s). Any person affected by the provisions of this section, in making application for the purchase of firearms and in executing the application, thereby voluntarily waives his or her right to refuse or refrain from disclosing any confidential information, including, but not limited to, any information arising from the physician-patient relationship, pertinent to a determination by the proper authorities regarding the approval or disapproval of this application. Any person affected by the provisions of this section, in making application for the purchase of said firearms and in executing the application, further agrees to allow the proper authorities to investigate any and all medical records of said applicant pertinent to a determination by the authorities regarding the approval or disapproval of this application. In the event that the application is approved and if the person has no other disqualifying record he or she will be allowed to purchase and possess firearms.

11-47-7. Possession of firearm by alien. No unnaturalized foreign born person who entered the United States in violation of the laws of the United States or, having legally entered the United States in a lawful manner but now remains in the United States in violation of the laws of the United States, shall purchase, own, carry, transport, or have in his or her possession or under his or her control any firearm.

When any person is charged under this section, the law enforcement agency bringing said charge shall, prior to arraignment, notify the United States Office of Immigration and Naturalization of said charge and further notify the court, at arraignment, of the alleged status of the person so charged.

11-47-8. License or permit required for carrying pistol - Possession of machinegun.

(a) * * * No person shall manufacture, sell, purchase or possess a machinegun except as otherwise provided in this chapter. Every person violating the provision of this section shall, upon conviction, be punished by imprisonment for not less than one nor more than ten (10) years or by a fine of up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this section shall not be afforded the provisions of suspension or deferment of sentence, nor a probation.

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

11-47-9. Persons exempt from restrictions. The provisions of § 11-47-8 shall not apply to * * * [Contact State authority]. * * * *

11-47-9.1 Additional exemptions. The provisions of §§ 11-47-8 and 11-47-11 shall not apply to members of the state police and members of city or town police forces. * * * [Contact State authority]. * * * *

11-47-14. Licenses and permits to banks and carriers. The attorney general may issue a license or permit to any banking institution doing business in this state or to any public carrier who is in the business of transporting mail, money, securities, or other valuables, to possess and use machineguns under such regulations as the attorney general may prescribe.

11-47-15. Proof of ability required for license or permit. No person shall be issued a license or permit to carry a pistol or revolver concealed upon his or her person until he or she has presented certification as prescribed in § 11-47-16 that he or she has qualified with a pistol or revolver of a caliber equal to or larger than the one he or she intends to carry, that qualification to consist of firing a score of 195 or better out of a possible score of 300 with thirty (30) consecutive rounds at a distance of twenty-five (25) yards on the army "L" target, firing "slow" fire. The "slow" fire course shall allow ten (10) minutes for the firing of each of three (3) ten (10) shot strings.

Publisher's Note:

Sections 11-47-15.1 through 11-47-17.1 sets out specific firing qualifications (and related matters) which must be met by law enforcement officers in the State of Rhode Island and its political subdivisions.

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

(a) The attorney general may issue a license or permit to any person twenty-one (21) years of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person upon proper showing of need, subject to the provisions of §§ 11-47-12 and 11-47-15, that license or permit may be issued notwithstanding the provisions of Section 11-47-7.

(b) All state police officers and permanent members of city and town police forces of this state who have retired in good standing after at least twenty (20) years of service or retired in good standing due to a physical disability other than a psychological impairment, may be issued a license or permit by the attorney general subject to the provisions of §§ 11-47-12 and 11-47-15. Any member of the licensing authority, and its agents, servants, and employees shall be immune from suit in any action, civil or criminal, based upon any official act or decision, performed or made in good faith in issuing a license or permit under the chapter.

11-47-19. Machinegun manufacturers' licenses or permits. The attorney general may issue to any person, firm, or corporation, engaged in manufacturing in this state, a license or permit to manufacture and sell machineguns and any or all machinegun parts under such regulations as the attorney general may prescribe.

11-47-20. Sale or possession of silencers. It shall be unlawful within this state to manufacture, sell, purchase, or possess any muffler, silencer or

device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one (1) year and one (1) day.

11-47-20.1. Armor-piercing bullets. It shall be unlawful within this state for any person to import, manufacture, sell, purchase, or otherwise transfer any bullets which have steel inner cores or cores of equivalent hardness and truncated cones and which are designed for use in pistols as armor piercing or metal piercing bullets. Any person who violates the provisions of this section shall be punished by imprisonment for not more than three (3) years or a fine of not more than five thousand dollars (\$5,000), or both. This section shall not apply to the purchase of those bullets by the Rhode Island State Police, by any city or town police department of the state of Rhode Island; or by the department of environmental management for display as a part of a firearms training course under its auspices.

11-47-22. Forfeiture and destruction of unlawful firearms. No property right shall exist in any firearm unlawfully possessed, carried, or used, and all unlawful firearms are hereby declared to be nuisances and forfeited to the state. When forfeited firearms shall be taken from any person, they shall be surrendered to the superintendent of state police, or to the chief of police in the city or town in which they are taken, or to the town sergeant of such town where there is no chief or superintendent of police. The officer to whom they are surrendered shall, except upon a certificate of justice of the superior court or the attorney general that the nondestruction of the weapons is necessary or proper to the ends of justice, proceed to destroy all such firearms at stated intervals of not more than one year. Provided, however, that if any forfeited firearm shall be found to be the property of an innocent owner, it shall be returned to the owner if and when no longer needed for purposes of evidence. Any owner of a firearm who shall knowingly fail to report the loss or theft of the firearm to the proper law enforcement authorities shall not be entitled to the return of same.

11-47-23. False information in securing firearm or license. No person shall, in purchasing or otherwise securing delivery of a shotgun, rifle, pistol, or revolver or in applying for a license to carry it, give false information or offer false evidence of his or her identity. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11-47-24. Alteration of marks of identification on firearms. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated it. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11-47-25. Antique firearms and collections. This chapter shall not apply to antique firearms unsuitable for use, nor to collections of firearms utilized

and maintained for educational, scientific, or any similar purpose without intent to use the firearms.

11-47-30. Sale of firearms to minors. It shall be unlawful within this state for any person to sell any firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of the minor.

11-47-31. Sale of ammunition to minors. It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder, or any form of missile or projectile to be ejected from a firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of the minor.

11-47-32. Possession of ammunition by minor. Except as provided in § 11-47-33, it shall be unlawful within this state for any person under fifteen (15) years of age to possess and use ammunition, including any priming charge of powder, propelling charge of powder, or any form of missile or projectile to be ejected from a firearm.

11-47-33. Possession of firearms by minors. It shall be unlawful within this state for any person under fifteen (15) 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 qualified 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; and provided, further, however, that a person under fifteen (15) 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.

11-47-34. 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 fifteen (15) 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 further 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 such person under fifteen (15) years of age being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range.

11-47-35. Sale of concealable weapons - Safety courses and tests - Review board - Issuance of permits to certain government officers.

(a)(1) No seller shall deliver a pistol or revolver 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 pistol or revolver shall be unloaded and securely wrapped, with the bill of sale to be enclosed within the wrapper with the pistol or revolver. Any citizen of the United States and/or lawful resident of this state who is 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 twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm, the purchaser shall:

(A) complete and sign in triplicate and deliver to the seller the application form described below, and in no case shall it contain the serial number of the pistol or revolver; and

(B) shall present to the seller a pistol/revolver safety certificate issued by the department of environmental management. The certificate shall be retained in the possession of the buyer. The pistol/revolver safety certificate shall certify that the purchaser has completed a basic pistol/revolver safety course as shall be administered by the department of environmental management. * * * *

[Rhode Island Statute § 11-47-35(a)(1)]

(Face of Application Form)

Application to Purchase Pistol or Revolver

Date Hour A.M.P.M.

Name

Address

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

Date of Birth Place of birth

Height Weight Color hair

Color eyesScars

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)

Have you ever been convicted of a crime of violence (See § 11-47-2)

Have your 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 pistol or revolver 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 to 11-47-55, inclusive, of the general law of the State of Rhode Island and

Providence Plantations, and that I am aware of the penalties for violation of the provisions of the cited sections. I further certify that I have completed the required basic pistol/revolver safety course.

Signed

[over]

County of, State of Rhode Island

Subscribed and sworn before me this day

of, A.D. 19

.....

Notary Public

(2) The seller shall on the date of application, sign and forward by registered mail or by delivery in person, the original and duplicate copies of the application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his or her residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his or her residence or place of business shall mark or stamp the original copy of the application form with the date and the 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 to the attorney general. The seller 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 seller, he or she will deliver the firearm applied for to the applicant. 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. * * *

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.

(b)(1) The department of environmental management shall establish the basic pistol/revolver safety course required * * *.

11-47.35.1. The provisions of § 11-47-35 shall not apply to full-time members of the state police, or full time members of the state marshal's office, or full time members of city or town police departments, or state marshals or correctional officers, or persons licensed under § 11-47-11.

11-47-36. Purchase of concealable firearms from out of state dealers. No citizen of this state shall purchase any concealable firearm outside of the state or Rhode Island unless he or she has duly executed the application form prescribed in § 11-47-35, the application form to be obtained by the purchaser from the city or town clerk of the city or town in which he or she

resides or has his place of business. The original and duplicate copies of the application shall be delivered in person, duly executed, by the purchaser to the superintendent of the Rhode Island state police or to the chief of police of the city or town in which the purchaser resides. The purchaser shall send the triplicate copy of the application by registered mail to the attorney general within twenty-four (24) hours of the time of filing with the appropriate police authority cited above. It shall be the duty of the police authority to whom the original and duplicate copies of the application are delivered to check the applicant's record 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 seventy-two (72) hours from twelve o'clock (12:00) noon of the day following the date of application, no disqualifying record has been found by the investigating police authority, the original and duplicate copies of the application marked or stamped "approved" and signed by the investigating police authority will be returned to the applicant by the most expeditious means. The approved duplicate copy of the application shall be sent by the purchaser to the out-of-state dealer as proof of lawful purchase, and the original shall be retained by the purchaser along with the bill of sale for the firearm purchased for a period of six (6) years as proof of lawful purchase. The triplicate copy of the application shall be retained by the attorney general for a period which shall in no case exceed ninety (90) days, provided that no evidence of the nature as would disqualify the applicant has been found.

11-47-37. Sale to minors and others forbidden. No person shall sell a pistol or revolver 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.

11-47-38. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol, revolver, or other firearm without being licensed as hereinafter provided.

11-47-39. Issuance and conditions of dealer's license. The duly constituted licensing authorities of any city, town, or political subdivision of this state may grant licenses in form prescribed by the attorney general effective for not more than one year from date of issue, permitting the licensee to sell pistols and revolvers at retail within this state subject to the following conditions in addition to those specified in §§ 11-47-35 and 11-47-36, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this chapter:

- (1) The business shall be carried on only in the building designated in the license.
- (2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.
- (3) No pistol or revolver shall be sold in violation of any provision of this chapter, nor shall a pistol or revolver be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his or her identity.
- (4) The fee for issuing the license shall be five dollars (\$5.00). The fee

charged for the issuing of the license shall be applied for the use and benefit of the city or town.

11-47-40. Register of sales of firearms - Display of firearms.

(a) Every person, firm or corporation selling a pistol, revolver, or other firearm whether the seller is a retail dealer, pawnbroker, or otherwise, shall keep a register in which shall be entered at the time of sale, the date of sale, name, age, and residence of every purchaser of a pistol, revolver, or other firearm, together with the caliber, make, model, manufacturer's number, or other mark of identification on the pistol, revolver, or other firearm. Every person, firm, or corporation who shall fail to keep a register and to enter the acts required by this section, shall, upon conviction, be punished as provided in this chapter. The register shall be open at all reasonable hours for the mandatory monthly inspection of licensed firearm dealers to be conducted by state and/or local police officials.

(b) This section shall not apply to wholesale dealers' bona fide sales at wholesale to duly licensed retail dealers. It shall be unlawful for any person, firm or corporation dealing in firearms to display any pistol, revolver, or imitation thereof, or any firearm of a size which may be concealed upon the person, or placard advertising the sale thereof, in any part of the premises of the person, firm or corporation where it can be readily seen from the outside. Firearm as utilized in this section only shall not apply to an air rifle, air pistol, "blank gun," or "B.B. gun."

11-47-41. Government firearm registration prohibited. No government agency of this state or its political subdivisions shall keep or cause to be kept any list or register of privately owned firearms or any list or register of the owners of those firearms; provided, however, that the provisions of this section shall not apply to firearms which have been used in committing any crime of violence, nor to any person who has been convicted of a crime of violence.

11-47-42. Weapons other than firearms prohibited. (a)(1) No person shall carry or possess or attempt to use against another any instrument or weapon of the kind commonly known as a * * * stun gun * * *. Any person violating the provisions of this subsection shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one (1) year, or both, and the weapon so found shall be confiscated. * * * *

11-47-47. Display of weapons. No person, firm, or corporation shall display in a place of business by means of a window display any pistol, revolver, or other firearm, as defined in § 11-47-2 * * *; provided, however, that dealers in sporting goods may include in a window display pistols or revolvers upon a permit issued by the chief of police or town sergeant of any city or town. * * *

11-47-55. Enforcement of chapter. Sheriffs, deputy sheriffs, the superintendent and members of the state police, member of the city or town police force or other duly appointed law enforcement officers, including conservation officers, shall have the power to enforce the provisions of this chapter.

11-47-56. Constitutionality. If any part of this chapter is for any reason

declared void, such invalidity shall not affect the validity of the remaining portions of this chapter.

11-47-58. Firearms - State pre-emption. The control of firearms, ammunition, or their component parts regarding their ownership, possession, transportation, carrying, transfer, sale, purchase, purchase delay, licensing, registration, and taxation shall rest solely with the state, except as otherwise provided in this chapter.