

General Laws of Rhode Island

Current through Chapter 540 of the January 2016 Session, excluding corrections and changes made by the Director of Law Revision.

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**TITLE 11. Criminal Offenses
Chapter 47. Weapons**

§ 11-47-1. **Short title.** This chapter may be cited as the "Firearms Act".

§ 11-47-2. **Definitions.** When used in this chapter, the following words and phrases are construed as follows:

(1) **"Antique firearm"** is defined as that term is defined under the provisions of 18 U.S.C. § 921.

(2) **"Crime of violence"** means and includes 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 battery 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 offense under § 12-29-5.

(3) **"Firearm"** includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," or other instrument from which steel or metal projectiles are propelled, or which may readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows, and except instruments propelling projectiles which are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a firearm under the provisions of this section.

(4) **"Fugitive from justice"** means 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"** means the board of police commissioners of a city or town where the 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 means the town clerk who may issue licenses upon the recommendation of the town sergeant, and it also means any other person or body duly authorized by the city or town charter or by state law.

(6) **"Machine gun"** 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 also includes the frame or receiver of the weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if the parts are in the possession or under the control of a person.

(7) **"Person"** includes an individual, partnership, firm, association, or corporation.

(8) **"Pistol"** includes any pistol or revolver, and any shotgun, rifle, or similar weapon with overall length less than 26 inches, but does not include any pistol or revolver designed for the use of blank cartridges only.

(9) **"Sawed-off rifle"** means any rifle with overall length of less than 26 inches and/or barrel length of less than 16 inches.

(10) **"Sawed-off shotgun"** means any shotgun with overall length of less than 26 inches and/or barrel length of less than 18 inches.

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

§ 11-47-3. Carrying dangerous weapons or substances when committing crime of violence. No person shall commit or attempt to commit a crime of violence when armed with or having available any firearm, explosive substance, noxious liquid, gas or substance, or acid. Every person violating the provisions of this section shall be punished: **(1)** for the first conviction by imprisonment for not less than 3 nor more than 10 years; **(2)** for a second conviction under this section by imprisonment for not less than 10 nor more than 20 years; and **(3)** for a third or subsequent conviction the person convicted shall be sentenced to not less than 15 years to life imprisonment. For the penalties provided in this section he or she shall not be afforded the provisions of suspension or deferment of sentence, nor of probation.

§ 11-47-3.1. Carrying a stolen firearm when committing a crime of violence. No person shall commit a crime of violence when armed with or having available a stolen firearm. Every person violating the provisions of this section shall be punished: **(1)** for the first conviction by imprisonment for not less than 5 nor more than 15 years; **(2)** for a second conviction under this section by imprisonment for not less than 15 nor more than 20 years; and **(3)** for a third or subsequent conviction under this section by imprisonment for not less than 20 years and may be imprisoned for life. The sentence imposed shall be consecutive to the underlying sentence for the crime of violence.

§ 11-47-3.2. Using a firearm when committing a crime of violence

(a) No person shall use a firearm while committing or attempting to commit a crime of violence. Every person violating the provisions of this section shall be punished: **(1)** for the first offense by imprisonment for 10 years; however, if the violation was committed by use of a machine gun as defined in § 11-47-2(6), the term of imprisonment shall be 30 years; **(2)** for a second conviction under this section by imprisonment for 20 years; however, if the violation was committed by use of a machine gun as defined in § 11-47-2(6), the term of imprisonment shall be life; and **(3)** for a third or subsequent conviction, the person shall be sentenced to life, or life without the possibility of parole by the sentencing judge after consideration of aggravating and mitigating circumstances contained in §§ 12-19.2-3 and 12-19.2-4. Any sentence imposed upon a person pursuant to this section shall be imposed consecutively to and not concurrently with any sentence imposed for the underlying crime or attempted crime, and the person shall not be afforded the benefits of deferment of sentence or parole; provided, that unless sentenced to life without the possibility of parole pursuant to subdivision (3) of this subsection, a person sentenced to life under this section may be granted parole.

(b) Every person who, while committing an offense violating subsection (a) of this section, discharges a firearm shall be guilty of a felony and be imprisoned as follows:

(1) Ten (10) years, if no injury to any other person results from the discharge;

(2) Twenty (20) years, if a person other than a police officer is injured by the discharge of the firearm, or if a police officer who is engaged in the performance of his or her duty is deliberately endangered by the person's discharge of the firearm;

(3) Life, if a police officer who is engaged in the performance of his or her duty is injured by the discharge of the firearm; and

(4) Life, if the death or permanent incapacity of any person (other than the person convicted) results from the discharge of the firearm; provided that, involuntary manslaughter shall not be considered a "crime of violence" for the purpose of subdivision (b)(4) only.

(c) The penalties defined in subsection (b) of this section shall run consecutively, and not concurrently, to any other sentence imposed and, notwithstanding the provisions of chapter 8 of title 13, the person shall not be afforded the benefits of deferment of sentence or parole; provided, that a person sentenced to life under subdivision (b)(3) or (b)(4) of this section may be granted parole.

§ 11-47-4. Being armed prima facie evidence of intention. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he or she was armed with or had available a pistol or revolver without license to carry it, or was armed with or had available a machine gun, shall be prima facie evidence of his or her intention to commit the crime of violence.

§ 11-47-5. Possession of arms by person convicted of crime of violence or 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 provisions of subsection (a) of this section, no person convicted of an offense punishable as a felony offense under § 12-29-5 shall purchase, own, carry, transport, or have in his or her possession any firearm, for a period of 2 years following the date of that 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 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 "BB gun." Every person violating the provisions of this section shall

be sentenced, upon conviction, to not less than one year nor more than 10 years.

(b) No person shall steal any firearm as defined in this section and then sell, lend, or transfer the firearm or firearms. Any person convicted of violating the provisions of this subsection shall be punished by imprisonment for not less than 10 years nor more than 20 years, and the sentence shall be consecutive to any other sentence he or she may receive or is serving.

§ 11-47-5.2. Possession of a stolen firearm. It shall be unlawful for any person to possess a stolen firearm, knowing it to be stolen. Any person in violation of this section shall be guilty of a felony and subject to imprisonment for not less than 3 years nor more than 15 years.

§ 11-47-5.3. Surrender of firearms by persons convicted of domestic violence offenses.

(a) Pleading nolo contendere to or conviction of an offense under § 12-29-2 which is punishable as a felony shall prohibit the defendant from purchasing, owning, carrying, transporting, or having in their possession or control any firearm. Upon such a plea or conviction, the court shall issue an order declaring that the defendant surrender all firearm(s) owned by the defendant, or in the defendant's possession, care, custody, or control as described in this section.

(1) Surrender shall be made within 24 hours of prohibition to a law enforcement agency or to a federally licensed firearms dealer. The arresting law enforcement agency shall be immediately notified of the order to surrender firearm(s). A law enforcement agency or federally licensed firearms dealer taking possession of a firearm(s) shall issue proof of surrender to the person surrendering the firearm(s). The proof of surrender shall include the name of the person; the name of the law enforcement agency or federally licensed fire.

(2) The defendant may transport their firearm(s) during the 24-hour surrender period directly to the law enforcement agency or federally licensed firearms dealer, provided that the firearm(s) is broken down, unloaded, and carried as openly as circumstances will permit, or provided that the pistols or revolvers are unloaded and secured in a separate container suitable for the purpose.

(3) The defendant shall, within 48 hours after being served with the order, either:

(i) File a copy of proof of surrender with the court and attest that all firearm(s) owned by the defendant, or in the defendant's possession, care, custody, or control at the time of the plea or conviction, have been surrendered in accordance with this section and that the defendant currently owns no firearm(s) or has any firearm(s) in their care, custody, or control; or

(ii) Attest that, at the time of the plea or conviction, the defendant owned no firearm(s) and had no firearm(s) in their care, custody, or control, and that the defendant currently owns no firearm(s) and has no firearm(s) in their possession, care, custody, or control.

(4) The list of firearm(s) surrendered shall be kept under seal and shall not be part of the public record.

(5) (i) If the defendant chooses to surrender a firearm(s) to a law-enforcement agency, the law-enforcement agency shall follow the policies established by the police officer's commission on standards and training for the return or disposal of the firearm(s).

(ii) The police officer's commission on standards and training shall establish policies for the return or disposal of firearms that are surrendered pursuant to any court order, provided that such policies require that the defendant be notified of the return or disposal, and that the owner receive any financial value received from the disposal, less the cost associated with taking possession of, storing, and disposing of the firearm(s) and provided that no disposal shall occur while any appeal of the conviction is pending.

(6) If the defendant, or their designee, transfers a firearm(s) to a federally licensed firearms dealer pursuant to this section, the defendant may instruct the federally licensed firearms dealer to sell the firearm(s) or to transfer ownership pursuant to state and federal law to a qualified named individual who is not a member of the defendant's dwelling house. The owner of any firearm(s) sold shall receive any financial value received from their sale, less the cost associated with taking possession of, storing, and transferring of the firearm(s).

(7) Every individual, to whom ownership of a firearm(s) is transferred pursuant to this section, shall be prohibited from transferring or returning any firearm(s) to the defendant and shall be informed of this prohibition.

(i) Any knowing violation of subsection (a)(7) of this section is a felony which shall be punishable by a fine of not more than \$1,000, or by imprisonment for a term of not less than 1 year and not more than 5 years, or both.

§ 11-47-6. Mental incompetents and drug addicts prohibited from possession of firearms. 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, 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 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, 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 firearms and in executing the application, further agrees to allow the proper authorities to investigate any and all medical records of the

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

(a) 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.

(b) When any person is charged under this section, the law enforcement agency bringing the charge shall, prior to arraignment, notify the United States Office of Immigration and Naturalization of the 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 machine gun

(a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-12 and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her person whether visible or concealed, except in his or her dwelling house or place of business or on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of these sections shall not apply to any person who is the holder of a valid license or permit issued by the licensing authority of another state, or territory of the United States, or political subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any vehicle or conveyance or on or about his or her person whether visible or concealed, provided the person is merely transporting the firearm through the state in a vehicle or other conveyance without any intent on the part of the person to detain him or herself or remain within the state of Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun 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 1 nor more than 10 years, or by a fine up to \$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 10 years, or by a fine of up to \$5,000, or both.

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

§ 11-47-9. Persons exempt from restrictions

(a) The provisions of § 11-47-8 shall not apply to sheriffs; deputy sheriffs; the superintendent and members of the state police; members of the Rhode Island airport police department; members of the Rhode Island state marshals; Rhode Island state fire marshal; chief deputy state fire marshals; deputy state fire marshals assigned to the bomb squad, and those assigned to the investigation unit; Providence fire department arson investigators, provided that the investigator receiving the permit is a graduate of a police-training academy; correctional officers, within the department of corrections; members of the city or town police force; capitol police investigators of the department of attorney general appointed pursuant to § 42-9-8.1; the witness protection coordinator for the witness protection review board as set forth in chapter 30 of title 12 and subject to the minimum qualifications of § 42-9-8.1; automobile theft investigators of the Rhode Island state police pursuant to § 31-50-1; railroad police while traveling to and from official assignments or while on assignments; conservation officers; or other duly appointed law enforcement officers; nor to members of the Army, Navy, Air Force, and Marine Corps of the United States, the National Guard, or organized reserves, when on duty; nor to members of organizations by law authorized to purchase or receive firearms from the United States or this state, provided these members are at, or going to or from, their places of assembly or target practice; nor to officers or employees of the United States authorized by law to carry a concealed firearm; nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he or she is employed by the United States; nor to any civilian guard carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the adjutant general where he or she is employed guarding a national guard facility, provided, that the commanding officer of the military establishment shall have on file with the attorney general of this state a list of the names and addresses of all civilian guards and criminal investigators so authorized; nor to duly authorized military organizations when on duty; nor to members when at, or going to or from, their customary places of assembly; nor to any individual employed in the capacity of warden, associate warden, major, captain, lieutenant, sergeant, correctional officer or investigator at any project owned or operated by a municipal detention facility corporation, including the Donald W. Wyatt Detention Facility; nor to the regular and/or ordinary transportation of pistols or revolvers as merchandise; nor to any person while transporting a pistol, or revolvers, unloaded from the place of purchase to their residence; or place of business, from their residence to their place of business or from their place of business to their residence, or to a federal firearms licensee for the purpose of sale, to or from a bona fide gunsmith, or firearms repair facility, to any police station or other location designated as a site

of a bona fide "gun buy-back" program, but only if said pistol or revolver is unloaded and any ammunition for said pistol or revolver is not readily or directly accessible from the passenger compartment of such vehicle while transporting same and further provided, that in the case of a vehicle without a compartment separate from the passenger compartment, the firearm or the ammunition shall be stored in a locked container.

(b) Persons exempted by the provisions of this section from the provisions of § 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided, that this shall not be construed as giving the right to carry concealed firearms to a person transporting firearms as merchandise or as household or business goods.

§ 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, members of city or town police forces, and members of the Rhode Island airport police department. Persons exempted by the provisions of this section from the provisions of § 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided, that this shall not be construed as giving the right to carry concealed firearms to a person transporting firearms as merchandise or as household or business goods.

§ 11-47-10. License or permit not required to carry to target range. No license or permit shall be required for the purpose of carrying or transporting any pistol or revolver from one's home or place of business to a bona fide target practice range, nor from a bona fide target practice range to one's home or place of business, to engage in any shoot meet, or practice, provided that the pistol or revolver is broken down, unloaded and carried as openly as circumstances will permit, or provided that the pistols or revolvers are unloaded and secured in a separate container suitable for the purpose.

§ 11-47-11. License or permit to carry concealed pistol or revolver

(a) The licensing authorities of any city or town shall, upon application of any person 21 years of age or over having a bona fide residence or place of business within the city or town, or of any person 21 years of age or over having a bona fide residence within the United States and a license or permit to carry a pistol or revolver concealed upon his or her person issued by the authorities of any other state or subdivision of the United States, issue a license or permit to the person to carry concealed upon his or her person a pistol or revolver everywhere within this state for 4 years from date of issue, if it appears that the applicant has good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver, and that he or she is a suitable person to be so licensed. The license or permit shall be in triplicate in form to be prescribed by the attorney general and shall bear the fingerprint, photograph, name, address, description, and signature of the licensee and the reason given for desiring a license or permit and in no case shall it contain the serial number of any firearm. The original shall be delivered to the licensee. Any member of the licensing authority, 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 this chapter.

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

§ 11-47-12. License or permit fee. A fee of \$40 shall be charged and shall be paid for each license or permit to the licensing authority issuing it. Every license or permit shall be valid for 4 years from the date when issued unless sooner revoked.

§ 11-47-13. Revocation of license or permit. Any license or permit may be revoked for just cause at any time by the authority granting it, and, upon revocation, the authority shall give immediate notice to the attorney general, who shall immediately note the revocation, with the date of revocation, upon the copy of the license or permit on file in his or her office.

§ 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 machine guns under any regulations that 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 30 consecutive rounds at a distance of 25 yards on the army "L" target, firing "slow" fire. The "slow" fire course shall allow 10 minutes for the firing of each of 3 ten (10) shot strings.

§ 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 21 years of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person upon a 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 § 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 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. The term "in good standing" means that at the time of retirement, the police officer was not facing disciplinary action that could have resulted in his or her termination for misconduct or unfitness for office. 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 this chapter.

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

§ 11-47-19. Machine gun 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 machine guns and any or all machine gun parts under any regulations that 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 1 year and 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 3 years, or a fine of not more than \$ 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.

§ 11-47-20.2. Possession during commission of a felony. Any person who uses bullets referred to in § 11-47-20.1 in the commission of a felony or who carries bullets of that kind in any weapon during the commission of a felony shall, in addition to the punishment provided for the commission of the felony, be punished by imprisonment for not less than 1 year nor more than 10 years, or a fine of not more than \$10,000, or both.

§ 11-47-20.3. Injury or death of law enforcement officer. Any person who uses bullets as defined in § 11-47-20.1 in the shooting of any law enforcement officer acting in the performance of his or her official duties so as to cause injury or death to the officer shall, upon conviction, be sentenced to life imprisonment.

§ 11-47-22. Forfeiture and destruction of unlawful firearms

(a) 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.

(b) When a firearm is lawfully seized, confiscated from or turned in by any person, it shall be placed in the custody of the superintendent of state police or the chief of police in the city or town in which it was seized, confiscated or turned in to. The officer who takes custody of the firearm shall promptly ascertain, using available record keeping systems, including, but not limited to, the National Crime Information Center, whether the firearm has been reported stolen and if stolen shall notify the reporting law enforcement agency of the recovery of said firearm. If the police department in the city or town in which the firearm was seized or confiscated has not been notified by a justice of the superior court or the attorney general that the firearm is necessary as evidence in a criminal or civil matter, it shall be returned to the lawful owner. However, 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 its return.

(c) If a firearm is found not to be stolen and the owner cannot be readily ascertained within 90 days subsequent to the seizure or confiscation of said firearm and the firearm is no longer necessary as evidence in a criminal or civil matter, the police department having custody of the firearm shall have the option of either: **(1)** destroying said firearm by rendering it permanently and irretrievably inoperable; **(2)** transferring custody of said firearms to the state crime laboratory for the purpose of criminal investigation; or **(3)** holding an auction of those firearms seized, confiscated or turned in to said police department; provided, however, any firearms to be transferred at auction shall be limited to antique firearms or curios or relics. For purposes of this section, "an antique firearm" shall be defined as any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured on or before 1899, and any replica of such firearm if such replica is not designed or redesigned for using rim-fire or conventional center fire fixed ammunition, or uses rim-fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade. "Curios or relics" shall be defined as firearms which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must be manufactured at least

50 years prior to the current date, but not including replicas thereof, and firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event.

(d) In the event that an auction is held, bidders shall be limited to bona fide holders of a valid Federal Firearms License for Retail Sale or a Federal Firearms Collector License. Any auction shall be advertised at least once a week for a period of 3 weeks preceding the date of the auction in a newspaper of general circulation, said notice clearly stating the time, location and terms of said auction. All funds realized shall be used to purchase and provide necessary safety equipment, including, but not limited to, bulletproof vests, for the police department holding the auction and shall not revert to any general fund of the state, city or town, as the case may be.

(e) All firearms received by any police department in any manner shall be entered in the department's permanent records and listed by make, model, caliber and serial number and the manner in which said firearm was disposed of and, if by auction, the name and federal license number of the buyer. A copy of said record shall be forwarded to the office of the Rhode Island Attorney General and the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department on at least an annual basis.

§ 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 a fine of not more than \$5,000, imprisonment for not more than 5 years, or both.

§ 11-47-24. Alteration of marks of identification on firearms

(a) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or if there is no name of the maker, model, or manufacturer's number then any other mark of identification on any firearm.

(b) No person shall, absent recertification paperwork, knowingly receive, transport, or possess any firearm which has had the name of the maker or manufacturer's serial number removed, altered, or obliterated, or if there is no name of the maker, model, or manufacturer's number then any other mark of identification on any firearm.

(c) Possession of any firearm, absent recertification paperwork, upon which the name of the maker, model, manufacturer's number, or if there is no name of the maker, model, or manufacturer's number then any other mark of identification on any firearm has been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated.

(d) A person in possession of a firearm, with proof of ownership and/or transfer from a FFL dealer, may apply for recertification of that firearm from a Rhode Island based licensed firearms business owner who also is an FFL dealer or a local police chief and/or police department official if the name of the maker, model, manufacturer's number, or if there is no name of the maker, model, or manufacturer's number then any other mark of identification on the firearm has been only partially damaged.

(e) The Rhode Island based licensed firearms business owner who is also an FFL dealer or a local police chief and/or police department official shall, within 60 days of the application if he or she is reasonably able to verify the firearm ownership and identifying marks recertify the firearm or return the firearm to the person who presented it, certify by written notarized documentation that the firearm's name of the maker, model, manufacturer's number, or if there is no name of the maker, model, or manufacturer's number then any other mark of identification on the firearm has been partially damaged and is still identifiable and traceable to the record owner.

(f) The sale or transfer of a recertified firearm and/or the submission of a report by the record owner that the firearm was stolen immediately voids all recertification documentation.

(g) Violation of the provisions of this section may be punished by imprisonment for not more than 5 years.

(h) This section shall not apply to the lawful exchange of component parts of any firearms, nor to any antique and collectible weapons legally possessed by collectors and dealers of firearms as provided in section 11-47-25.

§ 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.

§ 11-47-26. Penalties for violations. Unless otherwise specified, any violation of any provision of this chapter shall be punished by a fine of not more than \$1,000, or imprisonment for not more than 5 years, or both; provided, that a violation of any of the provisions of §§ 11-47-1 – 11-47-34 with relation to air rifle, air pistol, "blank gun," "BB gun," or other instrument other than a machine gun, shotgun, rifle, or pistol, from which steel or other metal projectiles are propelled, shall for the first offense be punished by a fine of not more than \$50 and for the second or any subsequent offense by a fine of not more than \$100, or by imprisonment for not more than 30 days, or both; and provided, further, that the provisions of chapter 1 of title 14 shall apply in the case of any person under the age of 18 years.

§ 11-47-28. Arrest and detention for possession of firearms. Every officer authorized to make an arrest may, without complaint and warrant, arrest any person who has in his or her possession any firearm whenever the officer has reasonable ground to suspect that the person possesses or is using or is carrying the firearm contrary to law. Any person so arrested may be detained a reasonable time, not exceeding 24 hours, for the purpose of making an investigation concerning the person, but no person so arrested shall be detained longer than 24 hours without complaint being made against him or her before some proper court or justice. If the officer making the arrest shall at any time within the 24 hours

satisfy himself or herself that there is no ground for making a criminal complaint against the person, he or she shall be discharged from custody.

§ 11-47-29. Certification of conviction of alien. In the case of the conviction under §§ 11-47-1 – 11-47-34 of a person who is not a citizen of the United States, it shall be the duty of the clerk of the court in which conviction is secured to certify the fact of the conviction to the proper officer of the United States government having supervision of the deportation of aliens.

§ 11-47-30. Sale, transfer or delivery of firearms to minors

(a) It shall be unlawful within this state for any person to sell, transfer, give, convey, or cause to be sold, transferred, given or conveyed any firearm to any person under 18 years of age, when the person knows or has reason to know that the recipient is under 18 years of age, except for the limited purposes set forth in §§ 11-47-33 and 11-47-34 and with the prior approval or consent of the parent or legal guardian of the minor.

(b) Every person violating this section shall be punished, upon conviction, by imprisonment for not less than 10 years and not more than 20 years. The prohibitions of this section shall not apply to any federally and state licensed retail dealer who makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of an air rifle, air pistol, "blank gun" or "BB gun."

§ 11-47-31. Sale, transfer or delivery of ammunition to minors

(a) It shall be unlawful within this state for any person to sell, transfer, give, convey, or cause to be sold, transferred, given or conveyed 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 18 years of age when the person knows or has reason to know that the recipient is under 18 years of age, except for the limited purposes set forth in §§ 11-47-33 and 11-47-34 and with the prior approval or consent of the parent or legal guardian of the minor.

(b) Every person violating this section shall be punished, upon conviction, by imprisonment for a term not to exceed 10 years. The prohibitions of this section shall not apply to any federally and state licensed retail dealer who makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of ammunition for an air rifle, air pistol, "blank gun" or "BB gun."

§ 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 18 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

(a) It shall be unlawful within this state for any person under 18 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 parent or guardian or supervising 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; provided, that this provision shall not apply to minors engaged in lawful hunting activity under the supervision of a parent or guardian or qualified adult, minors participating in Reserve Officer Training Corps programs, ceremonial parade activities, competitive and target shooting, participants in state militia activities and minors participating in a basic firearms education program; provided, further, that a person under 18 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 when accompanied by a parent, guardian or supervising adult.

(b) For purposes of this section only, "qualified adult" means any person 21 years of age or older and permitted by law to possess and use the firearm.

§ 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 18 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 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 the person under 18 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 person shall deliver a pistol or revolver to a purchaser until 7 days shall have elapsed from 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 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 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: **(i)** complete and sign in triplicate and deliver to the person selling the pistol or revolver the application form described in this section, and in no case shall it contain the serial number of the pistol or revolver; and **(ii)** shall present to the person selling the pistol or revolver 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.

(Face of application form)

Application to Purchase Pistol or Revolver

Date _____ Hour _____ A.M. P.M.

Name _____

Address _____ (Street and number) (City or town) (State)

Date of Birth _____ Place of Birth _____

Height _____ Weight _____

Color hair _____ Color eyes _____

Scars _____ 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 you 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 -- 11-47-55, inclusive, of the general laws 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 _____

County of _____

State of Rhode Island

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

Notary Public

(2) The person selling the pistol or revolver 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 person 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 person 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 person who is selling the pistol or revolver. The triplicate copy duly signed by the person who is selling the pistol or revolver shall within 7 days be sent by him or her by registered mail to the attorney general. The person who is selling the pistol or revolver shall retain the original copy duly received by the police authority to whom sent or delivered for a period of 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 7 days from 12:00 noon of the day following application, no disqualifying information has been received from the investigating police authority by the person who is selling the pistol or revolver, 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 30 days after the date of application, the duplicate and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate copies in violation of this section or any unauthorized use of the information contained in the copies by a person or agency shall be punishable by a fine of not more than \$1,000. 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 by this section. The safety course shall consist of not less than 2 hours of instruction in the safe use and handling of pistols and revolvers and the course shall be available to buyers continually throughout the year at convenient times and places but at least monthly at locations throughout the state, or more frequently as required. Proficiency in the use of pistols or revolvers shall not be prerequisite to the issuance of the safety certificate. No person shall be required to complete the course more than once; provided, that any person completing the course who is unable to produce the safety certificate issued by the department of environmental management shall be required to take the course again unless the person provides evidence to the department that he or she has successfully completed the course.

(c) Proof of passage of the department of environmental management's basic hunter safety course will be equivalent to the pistol/revolver safety certificate mandated by this section.

(d) Any person who has reason to believe that he or she does not need the required handgun safety course may apply by any written means to the department of environmental management to take an objective test on the subject of matter of the handgun safety course. The test shall be prepared, as well as an instruction manual upon which the test shall be based, by the department. The manual shall be made available by any means to the applicant who may, within the time limits for application, take the objective test at the department or at any location where the handgun safety course is being given. Any person receiving a passing grade on the test shall be issued a pistol/revolver safety certificate by the department.

(f) The following persons shall be issued basic pistol/revolver permits by the department of environmental management: sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, members of the park police, conservation officers, members of the airport police and officers of the United States government authorized by law to carry a concealed firearm and, at the discretion of the department of environmental management, any person who can satisfactorily establish that he or she formerly held one of these offices or were so authorized.

(g) Any person who is serving in the Army, Navy, Air Force, Marine Corps or Coast Guard on active duty shall not be required to obtain a basic pistol/revolver safety certificate or basic pistol/revolver permit under this section so long as he or she remains on active duty.

(h) Any person who is serving in the active reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard, or any person in an active duty paid status in the Rhode Island National Guard, shall not be required to obtain a basic pistol/revolver safety certificate under this section so long as he or she remains in active status.

§ 11-47-35.1. Persons exempt from § 11-47-35. The provisions of § 11-47-35 shall not apply to full-time members of the state police, full-time members of the state marshal's office, full-time members of city or town police departments, or state marshals or correctional officers or persons licensed under § 11-47-11.

§ 11-47-35.2. Sale of rifles/shotguns

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

(Face of application form)

Application to Purchase Shotgun or Rifle

Date _____ Hour _____ A.M. P.M.

Name _____

Address _____ (Street and number) (City or town) (State)

Date of Birth _____ Place of Birth _____

Height _____ Weight _____

Color hair _____ Color eyes _____

Scars _____ 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 General Laws of Rhode Island)

Have you 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 shotgun or rifle 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 – 11-47-59, inclusive, of the general laws 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.

Signed _____

County of _____ State of Rhode Island

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

_____ Notary Public

(b) The person who is selling the rifle or shotgun 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 person has his or her residence or place of business shall mark or stamp the original copy of the application form with the date and time of receipt and return it by the most expeditious means to the seller. The triplicate copy duly signed by the seller shall within 7 days be sent by him or her by registered mail to the attorney general. The person shall retain the original copy duly receipted by the police authority to whom sent or delivered for a period of 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 7 days from 12:00 noon of the day following application, no disqualifying information has been received from the investigating police authority by the person who is selling the rifle or shotgun, 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 30 days after the date of application, the duplicate and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate copies in violation of this chapter or any unauthorized use of the information contained in them by a person or agency shall be punishable by a fine of not more than \$1,000. 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.

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

§ 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 of 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 24 hours of the time of filing with the appropriate police authority. 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 72 hours from 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 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 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 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 provided in this chapter.

§ 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 1 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 of it, 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 \$5.

§ 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 the 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, or any firearm of a size which may be concealed upon the person, or placard advertising the sale of one, 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 does not apply to an air rifle, air pistol, "blank gun," or "BB 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, 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.

§ 11-47-47. 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, or any dagger, dirk, bowie knife, stiletto, metal knuckles, or blackjack; provided, 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. Any person, firm, or corporation violating the provisions of this section shall be punished by a fine not exceeding \$25 for the first offense and \$100 for every subsequent offense.

§ 11-47-48. Report of gunshot wounds. Every physician attending or treating a case of bullet wound, gunshot wound, powder burn, or any other injury arising from or caused by the discharge of a gun, pistol, or other firearm, or whenever any case is treated in a hospital, sanitarium, dispensary, or other institution the person in charge of it, shall report the case at once to the police authorities of the town or city where the physician, hospital, sanitarium, dispensary or institution is located. This section shall not apply to wounds, burns, or injuries received by any member of the armed forces of the United States or of this state while engaged in the actual performance of duty. Whoever violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$100.

§ 11-47-48.1. Report of lost or stolen weapons. Every person who owns a firearm shall report the loss or theft of their firearm to the local law enforcement agency within 24 hours of the discovery of the loss or theft. Whoever knowingly violates this section shall be punished by a fine of not less than \$50 nor more than \$100.

§ 11-47-49. Firing across highways prohibited. Every person who shall discharge any firearm or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles in or across any public road, street, square, or lane shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine not exceeding \$500, or 1 year in prison, or both.

§ 11-47-51. Loaded weapons in vehicles. It is unlawful for any person to have in his or her possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed in or on any vehicle or conveyance or its attachments while upon or along any public highway, road, lane, or trail within this state; provided, that the provisions of this section shall not apply to deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, investigators of the department of attorney general appointed pursuant to § 42-9-8.1, the director, assistant director and other inspectors and agents at the Rhode Island state fugitive task force appointed pursuant to § 12-6-7.2, nor to other duly appointed law enforcement officers, including conservation officers, nor to members of the Army, Navy, Air force, or Marine Corps of the United States, or the National Guard or organized reserves, when on duty, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he or she is employed by the United States.

§ 11-47-51.1. Discharge of firearm or incendiary or explosive substance or device from motor vehicle

(a) (1) No person shall unlawfully discharge a firearm or incendiary or explosive substance or device from a motor vehicle in a manner which creates a substantial risk of death or serious personal injury to another person. Every person violating the provisions of this section shall be punished by imprisonment for not less than 10 years nor more than 20 years and shall be fined not less than \$5,000 nor more than \$50,000, or both.

(2) In all cases under this subsection, the justice imposing sentence shall impose not less than the minimum sentence of 10 years imprisonment and may only impose a sentence less than that minimum if he or she finds that substantial and compelling circumstances exist which justify imposition of the alternative sentence. The finding may be based upon the character and background of the defendant, the cooperation of the defendant with law enforcement authorities, the nature and circumstances of the offense and/or the nature and quality of the evidence presented at trial. If a sentence which is less than imprisonment for a term of 10 years is imposed, the trial justice shall set forth on the record the circumstances which he or she found as justification for imposition of the lesser sentence.

(b) Any person injured as a result of a violation of this section shall be entitled to the civil remedies provided by § 7-15-4.

§ 11-47-52. Carrying of weapon while under the influence of liquor or drugs. It is unlawful to carry or transport any firearm in this state when intoxicated or under the influence of intoxicating liquor or narcotic drugs.

§ 11-47-54. Licensing of shooting galleries. Every person who shall keep any pistol gallery, rifle gallery, or other building or other enclosure in any city or town of this state where firearms are used without a license from the duly constituted licensing authority of the city or town shall, upon conviction, be fined \$200 for the first offense, and \$500 for each subsequent offense; provided, that the provisions of this section shall not apply to organizations that receive arms and ammunition from the United States or this state.

§ 11-47-58. Firearms – State preemption. 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.

§ 11-47-60. Possession of firearms on school grounds

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

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

(3) Every person violating the provisions of this section shall, upon conviction, be sentenced to imprisonment for not less than 1 year nor more than 5 years, or shall be fined not less than \$500 nor more than \$5,000.

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

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

- (1)** Firearm instruction and/or safety courses;
- (2)** Government-sponsored military-related programs such as ROTC;
- (3)** Interscholastic shooting and/or marksmanship events;
- (4)** Military history and firearms collection courses and/or programs; and
- (5)** The use of blank guns in theatrical and/or athletic events.

(c) The provisions of this section shall not apply to colleges, universities, or junior colleges.

§ 11-47-60.1. Safe storage

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

(b) A person who stores or leaves on premises under his or her control a loaded firearm and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian, and the child obtains access to the firearm and causes injury to himself or herself or any other person with the firearm, is guilty of the crime of criminal storage of a firearm and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both. For purposes of this section, a "child" is defined as any person who has not attained the age of 16 years.

(c) The provisions of subsection (b) of this section shall not apply whenever any of the following occurs:

- (1)** The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner;
- (2)** The firearm is kept in a locked container or in a location which a reasonable person would believe to be secured;
- (3)** The firearm is carried on the person or within such a close proximity so that the individual can readily retrieve and use the firearm as if carried on the person;
- (4)** The firearm is locked with a locking device;
- (5)** The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person;
- (6)** The person who keeps a loaded firearm on any premises which is under his or her custody or control has no reasonable expectations, based on objective facts and circumstances, that a child is likely to be present on the premises.

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

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

§ 11-47-60.2. Possession of weapons on school grounds – Notification

(a) If a student is found to be carrying a weapon, as defined in § 11-47-42, a firearm or replica of a firearm, or commits an

aggravated assault on school grounds as defined in § 11-47-60, the principal or designee shall immediately notify the student's parents and the local police and turn the weapon over, if any, to the local enforcement agency.

(b) Any person who has reasonable cause to know that any person is in violation of this statute shall notify the principal or designee. The principal or designee shall immediately notify the student's parents and the local police. Any person acting in good faith who makes a report under this section shall have immunity from any civil liability that might otherwise be incurred or imposed as a result of making the report.

(c) School superintendents shall receive notice from the clerk of the family court regarding the disposition of all cases involving juveniles from their school districts adjudged pursuant to this statute. This information shall remain confidential and be shared with school officials who deal directly with the student.

(d) The provisions of this section should not apply to the following activities when the activities are officially recognized and sanctioned by the educational institution:

- (1)** Firearm instructed and/or safety course;
- (2)** Government-sponsored military-related programs such as ROTC;
- (3)** Interscholastic shooting and/or marksmanship events;
- (4)** Military history and firearms collection courses and/or programs; and
- (5)** The use of blank guns in theatrical and/or athletic events.

(e) The provisions of this section shall not apply to colleges, universities or junior colleges.

§ 11-47-60.3. Trigger lock required. No licensed retail dealer shall deliver any pistol to any purchaser without providing a trigger lock or other safety device designed to prevent an unauthorized user from operating the pistol.

§ 11-47-61. Drive-by shootings. Every person who shall discharge a firearm from a motor vehicle in a manner which creates a substantial risk of death or serious injury shall, upon conviction, be fined not less than \$5,000 nor more than \$50,000 or imprisoned for not less than 10 years nor more than 20 years, or both.

§ 11-47-62. Rifle ranges – Immunity from prosecution – Criminal or civil

(a) Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, it shall be lawful for an owner of a rifle, pistol, silhouette, archery, skeet, trap, black powder, or other similar range to operate the range in excess of the applicable noise or noise pollution, law, ordinance or bylaw, provided the owner of the range continues to be in compliance with any applicable noise control law, ordinance or bylaws in existence at the time of the construction of the range. No owner shall be liable in any action for nuisance, and no court shall enjoin the use or operation of the range on the basis of noise or noise pollution, provided the owner continues to be in compliance with any noise control law, ordinance or bylaws in effect at the time of the construction of the range.

(b) No standards in rules adopted by any state, city or town agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere shall apply to the ranges exempted from liability under the provisions of this section.

(c) Nothing in this section shall be construed to authorize or permit an owner of a rifle, pistol, silhouette, archery, skeet, trap, black powder, or other similar range to change the use and/or type of the range, or to expand the use and/or type of the range.

§ 11-47-63. Relief from disqualifiers program

(a) Establishment of board. There is hereby established a board known as the relief from disqualifiers board to consider petitions for relief from a firearms prohibition due to an adjudication of commitment in Rhode Island.

(b) Relief from disqualifiers program. A person who is subject to the disqualifiers of 18 U.S.C. 922(d)(4) and 18 U.S.C. 922(g)(4) and/or § 40.1-5-8 because of an adjudication commitment under the laws of this state may petition for relief from a firearms prohibition from the relief from disqualifiers board. The board shall consider the petition for relief in accordance with the following:

(1) The board shall give the petitioner the opportunity to present evidence to the board in a closed and confidential hearing on the record;

(2) A record of the hearing shall be maintained by the board for purposes of appellate review; and

(3) The board shall conduct said hearing within 30 days of the filing of a petition for relief.

(c) In determining whether to grant relief, the board shall consider evidence regarding the following:

(1) The circumstances regarding the firearms disqualifiers pursuant to 18 U.S.C. 922(d)(4) and 18 U.S.C. 922(g)(4);

(2) The petitioner's record, that must include at a minimum, the petitioner's mental health record, including a certificate of a medical doctor or psychiatrist licensed in this state certifying that the person is no longer suffering from a mental disorder that interferes or handicaps the person from handling deadly weapons;

(3) All records pertaining to the petitioner's criminal history; and

(4) Evidence of the petitioner's reputation through character witness statements, testimony, or other character evidence.

(d) The board shall have the authority to require that the petitioner undergo a clinical evaluation and risk assessment, the results of which may also be considered as evidence in determining whether to approve or deny the petition for relief.

(e) After a hearing on the record, the board shall grant relief provided that it finds, by a preponderance of the evidence, that:

(1) The petitioner is not likely to act in a manner dangerous to public safety; and

- (2) Granting the relief will not be contrary to the public interest.
- (f) The board shall issue a decision in writing justifying the reasons for a denial or grant of relief.
- (g) Any person whose petition for relief has been denied by the board shall have a right to a de novo judicial review in the superior court. The superior court shall consider the record of the board hearing on the petition for relief, the decision of the board, and, at the court's discretion, any additional evidence it deems necessary to conduct its review.
- (h) Upon notice that a petition for relief has been granted, the district court shall, as soon as practicable:
- (1) Cause the petitioner's record to be updated, corrected, modified, or removed from any database maintained, and made available to, the National Instant Criminal Background Check System (NICS) and reflect that the petitioner is no longer subject to a firearms prohibition as it relates to 18 U.S.C. 922(d)(4) and 18 U.S.C. 922(g)(4); and
 - (2) Notify the attorney general of the United States that the petitioner is no longer subject to a firearms prohibition pursuant to 18 U.S.C. 922(d)(4) and 18 U.S.C. 922(g)(4).
- (i) The district court shall adopt rules relating to the transmission of information relating to civil commitments pursuant to § 40.1-5-8(l) and to the National Instant Criminal Background Check System (NICS), and the relief from disqualifiers process as set forth herein. In preparing such rules, the district court shall consult with the department of behavioral health, developmental disabilities and hospitals, the attorney general, and such other entities as may be necessary or advisable. Such regulations shall include provisions to protect the identity, confidentiality, and security of all records and data provided pursuant to this section and § 40.1-5-26.
- (j) Any member of the relief from firearms disqualifications board, its agents, servants, and employees shall be immune from suit in any action, civil or criminal, based upon any official act or decision, related to this section, performed or made in good faith.

TITLE 15. Domestic Relations

Chapter 15. Domestic Abuse Prevention

§ 15-15-3. Protective orders – Penalty – Jurisdiction

- (a) A person suffering from domestic abuse may file a complaint in the family court requesting any order which will protect and support her or him from abuse including, but not limited, to the following:
- (5) After notice to the respondent and a hearing, the court in addition to any other restrictions, may order the defendant to surrender physical possession of all firearms in his or her possession, care, custody or control.
- (b) Any individual who accepts physical possession of a firearm pursuant to this section is prohibited from returning any firearm to any defendant under a restraining order during the existence of the restraining order. Violation of this provision shall subject both the defendant and the individual responsible for the return of the firearm to the defendant, to being found in contempt of court.
- (c) The Family Court shall provide a notice on all forms requesting a protective order that, at the hearing for a protective order, the defendant may be ordered to surrender physical possession or control of any firearms and not to purchase or receive or attempt to purchase or receive any firearms for a period not to exceed the duration of the restraining order.
- (d) If the defendant is present in court at a duly noticed hearing, the court may order the defendant to physically surrender any firearm in that person's immediate possession or control, or subject to that person's immediate physical possession or control, within 24 hours of the order, by surrendering the possession of the firearm(s) to the control of any individual not legally prohibited from possessing a firearm(s) who is not related to the defendant by blood, marriage, or relationship as defined by § 15-15-1(3), (4), or (5), of the Rhode Island general laws, or by surrendering any firearm(s) to the Rhode Island State Police or local police department, or by surrendering the firearm(s) to a licensed gun dealer. If the defendant is not present at the hearing, the defendant shall surrender possession of the firearm(s) within 48 hours after being served with the order. A person ordered to surrender possession of any firearm(s) pursuant to this subsection shall file with the court a receipt showing the firearm(s) was either legally transferred to an individual not legally prohibited from possessing a firearm who is not related to the defendant by blood, marriage, or relationship as defined by § 15-15-1(3), (4), or (5) of the Rhode Island general laws or surrender to a licensed gun dealer within 72 hours after receiving the order. Any defendant transporting a firearm to surrender in accordance with the above shall not be liable to prosecution under § 11-47-8.
- (e) Nothing in this section shall limit a defendant's right under existing law to petition the court at a later date for modification of the order.
- (f) The prohibition against possessing a firearm(s) due solely to the existence of a domestic violence restraining order issued under this section shall not apply with respect to sworn peace officers as defined in § 12-7-21 and active members of military service including members of the reserve components thereof, who are required by law or departmental policy to carry departmental firearms while on duty or any person who is required by their employment to carry a firearm in the performance of their duties. Any individual exempted pursuant to this exception may possess a firearm only during the course of their employment. Any firearm required for employment must be stored at the place of employment when not being possessed for employment use; all other firearm(s) must be surrendered in accordance with § 15-15-3.
- (g) Upon motion by the plaintiff, his or her address shall be released only at the discretion of the family court judge.
- (h) (1) Any violation of the protective orders in subsection (a) of this section shall subject the defendant to being found in contempt of court.

(2) The contempt order shall not be exclusive and shall not preclude any other available civil or criminal remedies. Any relief granted by the court shall be for a fixed period of time not to exceed 3 years, at the expiration of which time the court may extend any order, upon motion of the plaintiff, for any additional time, that it deems necessary to protect the plaintiff from abuse. The court may modify its order at any time upon motion of either party.

(i) (1) Any violation of a protective order under this chapter of which the defendant has actual notice shall be a misdemeanor which shall be punished by a fine of no more than \$1,000 or by imprisonment for not more than 1 year, or both.

(2) The penalties for violation of this section shall also include the penalties as provided by § 12-29-5.

(j) Actual notice means that the defendant has received a copy of the order by service or by being handed a copy of the order by a police officer pursuant to § 15-15-5(d).

(k) (1) The district court shall have criminal jurisdiction over all adult violations of this chapter.

(2) The family court shall have jurisdiction over all juvenile violations of this chapter.