

2010 -- S 2153

LC00486

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators Blais, Maselli, DeVall, and Maher

Date Introduced: February 04, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **11-47-35.2. Sale of rifles/shotguns. --** (a) No person shall deliver a rifle or shotgun to a  
4 purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00) noon of the day  
5 following the day of application for the purchase, and when delivered, the rifle or shotgun shall  
6 be unloaded and securely wrapped, with the bill of sale for it to be enclosed within the wrapper  
7 with the rifle or shotgun. Any citizen of the United States and/or lawful resident of this state who  
8 is eighteen (18) years of age or older, and any non-resident member of the armed forces of the  
9 United States who is stationed in this state and who is eighteen (18) years of age or older, may,  
10 upon application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase  
11 of a shotgun or rifle the purchaser shall complete and sign in triplicate and deliver to the seller the  
12 application form described in this section, and in no case shall it contain the serial number of the  
13 rifle or shotgun.

(Face of application form)

Application to Purchase Shotgun or Rifle

16 Date.....Hour..... A.M. P.M.

17 Name .....

18 Address .....

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

1 Date of Birth.....Place of Birth.....  
2 Height ..... Weight .....  
3 Color hair ..... Color eyes .....  
4 Scars .....  
5 Tattoos .....  
6 Other identifying marks .....  
7 Are you a citizen of the United States .....  
8 Are you a citizen of Rhode Island .....  
9 How long.....  
10 Where stationed .....  
11 (Armed Forces only) .....  
12 Have you ever been convicted of a crime of violence .....  
13 (See section 11-47-2 General Laws of Rhode Island)  
14 Have you ever been adjudicated or under confinement as addicted to a controlled  
15 substance .....  
16 Have you ever been adjudicated or under confinement for alcoholism .....  
17 Have you ever been confined or treated for mental illness .....  
18 From whom is shotgun or rifle being purchased .....  
19 Seller's address .....  
20 Seller's signature .....  
21 Applicant's signature .....  
22 (See section 11-47-23 for penalty for false information on this application)

23 (Reverse side of application form)

24 AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections  
25 11-47-1 - 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence  
26 Plantations, and that I am aware of the penalties for violation of the provisions of the cited  
27 sections.

28 Signed .....  
29 County of .....  
30 State of Rhode Island Subscribed and sworn before me this.... day of.... A.D. 20...  
31 Notary Public .....

32 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign  
33 and forward by registered mail or by delivery in person, the original and duplicate copies of the  
34 application to the superintendent of the Rhode Island state police or the chief of police in the city

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

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

26 (d) The provisions of this section shall not apply to any person who, at the time of  
27 purchase, is exchanging a functional rifle or shotgun as part of or the entire purchase price of  
28 another rifle or shotgun.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL OFFENSES -- WEAPONS

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1           This act would eliminate the application requirement and seven (7) day waiting period  
2 from the current section to those rifle and/or shotgun transactions which are essentially merely an  
3 exchange.

4           This act would take effect upon passage.

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