

# State Laws and Published Ordinances – Rhode Island

Current through Chapter 79 of the 2020 Session

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East Providence  
Exeter  
Foster  
Glocester  
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Pawtucket  
Smithfield  
West Greenwich  
West Warwick  
Westerly

**Title 8 – Courts and Civil Procedure – Courts**  
**Chapter 8.1 – Domestic Assault**

**Section 8-8.1-3. Protective orders – Penalty – Jurisdiction.**

**(a)** A person suffering from domestic abuse may file a complaint in the district court requesting any order which will protect her or him from the abuse, including but not limited to the following:

**(4)** Ordering the defendant to surrender physical possession of all firearms in his or her possession, care, custody, or control and shall further order a person restrained not to purchase or receive, or attempt to purchase or receive, any firearms while the protective order is in effect. The defendant shall surrender said firearms within twenty-four (24) hours of notice of the protective order to the Rhode Island state police or local police department or to a federally licensed firearms dealer.

**(i)** A person ordered to surrender possession of any firearm(s) pursuant to this section shall, within seventy-two (72) hours after being served with the order, either:

**(A)** File with the court a receipt showing the firearm(s) was physically surrendered to the Rhode Island state police or local police department, or to a federally licensed firearm dealer; or

**(B)** Attest to the court that, at the time of the order, the person had no firearms in his or her immediate physical possession or control, or subject to his or her immediate physical possession or control, and that the person, at the time of the attestation, has no firearms in his or her immediate physical possession or control or subject to his or her immediate physical possession or control.

**(ii)** If a person restrained under this section transfers a firearm(s) to a federally licensed firearms dealer pursuant to this section, the person restrained under this section may instruct the federally licensed firearms dealer to sell the firearm(s) or to transfer ownership in accordance with state and federal law, to a qualified named individual who is not a member of the person's dwelling house, who is not related to the person by blood, marriage, or relationship as defined by § 15-15-1(7), and who is not prohibited from possessing firearms under state or federal law. The owner of any firearm(s) sold shall receive any financial value received from its sale, less the cost associated with taking possession of, storing, and transferring of the firearm(s).

**(iii)** Every individual to whom possession of a firearm(s) is transferred pursuant to this subsection shall be prohibited from transferring or returning any firearm(s) to the person restrained under this section while the protective order remains in effect and shall be informed of this prohibition. Any knowing violation of this subsection is a felony that shall be punishable by a fine of not more than one thousand dollars (\$ 1,000), or by imprisonment for a term of not less than one year and not more than five (5) years, or both.

**(iv)** An individual to whom possession of a firearm(s) is transferred pursuant to this subsection shall return a firearm(s) to the person formerly restrained under this section only if the person formerly restrained under this section provides documentation issued by a court indicating that the restraining order issued pursuant to this section that prohibited the person from purchasing, carrying, transporting, or possessing firearms has expired and has not been extended.

**(b)** After notice to the respondent and after a hearing, which shall be held within fifteen (15) days of surrendering said firearms, the court, in addition to any other restrictions, may, for any protective order issued or renewed on or after July 1, 2017, continue the order of surrender, and shall further order a person restrained under this section not to purchase or receive, or attempt to purchase or receive, any firearms while the protective order is in effect.

**(c)** The district court shall provide a notice on all forms requesting a protective order that a person restrained under this section shall be ordered pursuant to § 11-47-5, to surrender possession or control of any firearms and not to purchase or receive, or attempt to purchase or receive, any firearms while the restraining order is in effect. The form shall further provide that any person who has surrendered their firearms shall be afforded a hearing within fifteen (15) days of surrendering their firearms.

**(d)** Any firearm surrendered in accordance with this section to the Rhode Island state police or local police department shall be returned to the person formerly restrained under this section upon their request when:

**(1)** The person formerly restrained under this section produces documentation issued by a court indicating that the restraining order issued pursuant to this section that prohibited the person from purchasing, carrying, transporting, or possessing firearms has expired and has not been extended; and

**(2)** The law enforcement agency in possession of the firearms determines that the person formerly restrained under this section is not otherwise prohibited from possessing a firearm under state or federal law.

**(3)** The person required to surrender his or her firearms pursuant to this section shall not be responsible for any costs of storage of any firearms surrendered pursuant to this section.

(e) The Rhode Island state police are authorized to develop rules and procedures pertaining to the storage and return of firearms surrendered to the Rhode Island state police or local police departments pursuant to this section. The Rhode Island state police may consult with the Rhode Island Police Chiefs' Association in developing rules and procedures.

(f) Nothing in this section shall be construed to limit, expand, or in any way modify orders issued under §§ 12-29-4 or 15-5-19.

(g) 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.

(j) At the hearing, the person restrained under this section shall have the burden of showing, by clear and convincing evidence, that, if his or her firearm rights were restored, he or she would not pose a danger to the person suffering from domestic abuse or to any other person.

(1) In determining whether to restore a person's firearm rights, the court shall examine all relevant evidence, including, but not limited to: the complaint seeking a protective order; the criminal record of the person restrained under this section; the mental health history of the person restrained under this section; any evidence that the person restrained under this section has, since being served with the order, engaged in violent or threatening behavior against the person suffering from domestic abuse or any other person.

(2) If the court determines, after a review of all relevant evidence and after all parties have had an opportunity to be heard, that the person restrained under this section would not pose a danger to the person suffering from domestic abuse or to any other person if his or her firearm rights were restored, then the court may grant the petition and modify the protective order and lift the firearm prohibition.

(3) If the court lifts a person's firearms prohibition pursuant to this subsection, the court shall issue the person written notice that he or she is no longer prohibited under this section from purchasing or possessing firearms while the protective order is in effect.

(k) 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 his or her employment to carry a firearm in the performance of his or her duties. Any individual exempted pursuant to this exception may possess a firearm only during the course of his or her 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 this section.

(l) Any violation of the aforementioned protective order shall subject the defendant to being found in contempt of court.

(n) 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 three (3) years, at the expiration of which time the court may extend any order upon motion of the plaintiff for such additional time as it deems necessary to protect the plaintiff from abuse. The court may modify its order at any time upon motion of either party.

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

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

(q) **"Actual notice"** means that the defendant has received a copy of the order by service thereof or by being handed a copy of the order by a police officer pursuant to § 8-8.1-5(d).

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

### Chapter 8.3 – Extreme Risk Protection Orders

#### Section 8-8.3-1. Definitions

When used in this chapter, the following words and phrases shall have the following meanings:

(1) **"Court"** means the superior court in the county in which the respondent resides.

(2) **"Extreme risk protection order"** means either a temporary order or a one-year order granted under this chapter.

(3) **"Family or household member"** means present and former family members (as defined in § 15-15-1), parents (as defined in § 15-15-1), stepparents, legal guardians, persons who are or have been in a substantive dating or engagement relationship within the past one year (as defined in § 15-15-1), and cohabitants (as defined in § 8-8.1-1).

(4) **"Firearm"** means and 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 that may readily be converted to expel a projectile,

except crossbows, recurve, compound, or longbows, and except instruments propelling projectiles that 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 pursuant to the provisions of this section.

**(5) "Law enforcement agency"** means the police department of any city or town, and the division of the Rhode Island state police established pursuant to chapter 28 of title 42.

**(6) "Law enforcement officer"** means a sworn member of a law enforcement agency as defined herein.

**(7) "One-year extreme risk protection order"** means an extreme risk protection order granted pursuant to the provisions of § 8-8.3-5 or renewed pursuant to the provisions of § 8-8.3-7.

**(8) "Petitioner"** means a law enforcement agency that petitions for an order pursuant to this chapter.

**(9) "Respondent"** means the person who is identified as the respondent in a petition filed pursuant to this chapter.

**(11) "Temporary extreme risk protection order"** means an extreme risk protection order issued pursuant to the provisions of § 8-8.3-4.

#### **Section 8-8.3-4. Temporary orders – Proceedings.**

**(a)** Upon the filing of a petition under this chapter, the court may enter a temporary order if the court finds there is probable cause from specific facts shown by the petition that the respondent poses a significant danger of causing imminent personal injury to self or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm before notice can be served and a hearing held.

**(b)** If the court finds probable cause under subsection (a) of this section and from the sworn affidavit, a search warrant shall issue pursuant to chapter 5 of title 12 for the search for any firearms in the possession, custody, or control of the respondent. The warrant shall be executed pursuant to chapter 5 of title 12.

**(e)** A temporary extreme risk protection order must include:

**(6)** The following statement: "To the subject of this protection order: This order will continue until the hearing scheduled on the date and time noted above. If any of your firearms have not been seized by the petitioner, you are under an obligation to immediately contact the petitioner to arrange for the surrender of any other firearms that you own and/or are in your custody, control, or possession, that have not been seized. You must surrender to the petitioner all firearms that you own and/or are in your custody, control, or possession, and also immediately surrender to the licensing authority or the attorney general any concealed carry permit issued to you pursuant to § 11-47-11 or § 11-47-18. While this order is in effect, it is illegal for you to have any firearm in your possession, custody, or control or for you to purchase, receive, or attempt to purchase or receive any firearm. You may seek the advice of an attorney as to any matter connected with this order. If you believe you cannot afford an attorney, you are hereby referred to the public defender for an intake interview, and if eligible, the court shall appoint an attorney for you."

#### **Section 8-8.3-5. Hearings on petition – Grounds for issuance – Contents of order.**

**(a)** Upon hearing the matter, if the court finds by clear and convincing evidence that the respondent poses a significant danger of causing imminent personal injury to self or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm, the court shall issue a one-year extreme risk protection order. An extreme risk protection order issued by the court shall be for a fixed period of one year, at the expiration of which time the court may renew the extreme risk protection order as set forth in § 8-8.3-7.

**(b)** In determining whether grounds for an extreme risk protection order exist, the court may consider any or all of the following, including, but not limited to:

- (1)** A recent act or threat of violence by the respondent against self or others, regardless of whether the act or threat of violence involves a firearm;
- (2)** A pattern of acts or threats of violence by the respondent within the past twelve (12) months, including, but not limited to, acts or threats of violence against self or others;
- (3)** The respondent's mental health history;
- (4)** Evidence of the respondent's abuse of controlled substances or alcohol;
- (5)** Previous violations by the respondent of any court order including, but not limited to, restraining orders, no-contact orders issued pursuant to chapter 29 of title 12, and protective orders issued pursuant to chapter 8.1 of title 8 or chapter 15 of title 15;
- (6)** Previous extreme risk protection orders issued against the respondent;
- (7)** The unlawful, threatening, or reckless use or brandishing of a firearm by the respondent, including, but not limited to, such act taken or displayed through social media;

(8) The respondent's ownership of, access to, or intent to possess firearms;

(9) The respondent's criminal history, including, but not limited to, arrests and convictions for felony offenses, crimes of violence as defined in § 11-47-2, violent misdemeanor offenses, crimes involving domestic violence as defined in § 12-29-2, and stalking;

(10) The history, use, attempted use, or threatened use of physical violence by the respondent against another person, or the respondent's history of stalking another person, or evidence of cruelty to animals by the respondent, including, but not limited to, evidence of violations or convictions pursuant to the provisions of chapter 1 of title 4; and

(11) Evidence of recent acquisition or attempts at acquisition of firearms by the respondent.

(c) In determining whether grounds for a one-year extreme risk protection order exist, the court may also consider any other relevant and credible evidence presented by the petitioner, respondent, and any witnesses they may produce.

(f) An extreme risk protection order must include: ...

(6) The following statement: "To the subject of this protection order: This order will continue until the date and time noted above unless terminated earlier by court order. If any of your firearms have not been seized by the petitioner, you are under an obligation to immediately contact the petitioner to arrange for the surrender of any other firearms that you own and/or are in your custody, control, or possession, that have not been seized. You must surrender to the petitioner all firearms that you own and/or are in your custody, control, or possession, and also immediately surrender to the licensing authority or the attorney general any concealed carry permit issued to you pursuant to § 11-47-11 or § 11-47-18. While this order is in effect, it is illegal for you to have any firearm in your possession, custody, or control or for you to purchase, receive, or attempt to purchase or receive any firearm. You have the right to request one hearing to terminate this order within each twelve-month (12) period that this order, or any renewal order, is in effect. You may seek the advice of an attorney as to any matter connected with this order. If you believe you cannot afford an attorney, you are hereby referred to the public defender for an intake interview, and if eligible, the court shall appoint an attorney for you."

(g) Upon the issuance of a one-year extreme risk protection order, the court shall inform the respondent that he or she is entitled to request termination of the order in the manner prescribed by § 8-8.3-7. The court shall provide the respondent with a form to request a termination hearing. The court shall also schedule a review hearing of the matter, which hearing shall be scheduled within thirty (30) calendar days before the date the one-year extreme risk protection order is set to expire.

(h) If the court declines to issue a one-year extreme risk protection order, the court shall state in writing the particular reasons for the court's denial and shall also order the return of weapons to the respondent. The return should be effectuated consistent with the provisions of § 8-8.3-8.

#### **Section 8-8.3-7. Termination – Expiration – Renewal of orders.**

(a) Termination of order. The respondent may submit a single written request for a hearing to terminate a one-year extreme risk protection order issued under this chapter within the twelve-month (12) period that the order, or any renewal order, is in effect.

(2) At a hearing to terminate a one-year extreme risk protection order prior to its scheduled date of expiration, the respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing imminent personal injury to self or others by having a firearm in his or her custody or control, or by purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations enumerated in § 8-8.3-5. In addition, the court may consider whether the respondent complied with the court's recommendation that the respondent undergo a mental health and/or substance abuse evaluation.

(3) If the court finds after the hearing that the respondent has met his or her burden by clear and convincing evidence, the court shall terminate the one-year order and order return of the firearms consistent with the provisions of § 8-8.3-8.

#### **Section 8-8.3-8. Firearms return – Disposal.**

(a) Any firearm seized or surrendered in accordance with this chapter shall be returned to the respondent upon his or her request, within ten (10) days, when:

(1) The respondent produces documentation issued by the court indicating that any extreme risk protective order issued pursuant to this chapter has expired, terminated, or has not been renewed. Respondent shall not be required to acquire any additional court order granting the return of seized or surrendered firearms; and

(2) The law enforcement agency in possession of the firearms conducts a national criminal records check and determines that the respondent is not otherwise prohibited from possessing a firearm under state or federal law.

(b) A law enforcement agency shall, if requested by the court or the petitioner, provide prior notice to any interested party, including but not limited to family or household members of the respondent, of the impending return of a firearm to a respondent, in the manner provided in § 8-8.3-6.

(c) Upon written request of the respondent, any law enforcement agency storing firearm(s) shall transfer possession of the firearm(s) to a federally licensed firearms dealer, who or that may be designated by the respondent if so desired.

(1) The respondent may instruct the federally licensed firearms dealer designated by the respondent where applicable to sell the firearm(s) or to transfer ownership or possession in accordance with state and federal law, to a qualified named individual who is not a member of the person's dwelling house, and who is not prohibited from possessing firearms under state or federal law. The owner of any firearm(s) sold shall receive any financial value received from its sale, less the cost associated with taking possession of, storing, and transferring of the firearm(s).

(2) Any individual to whom possession of a firearm(s) is transferred pursuant to this subsection shall be prohibited from transferring or returning any firearm(s) to the respondent while the extreme risk protective order is in effect and shall be informed of this prohibition. Any knowing violation of this subsection is a felony that shall be punishable by imprisonment for a term of not more than five (5) years, or by a fine of not more than one thousand dollars (\$ 1,000), or both.

(3) An individual to whom possession of a firearm(s) is transferred pursuant to this subsection shall only return a firearm(s) to the respondent if the respondent provides court documentation that the extreme risk protection order issued pursuant to this chapter has expired or been withdrawn or terminated and has not been renewed.

(d) The Rhode Island state police are authorized to develop rules and procedures pertaining to the storage and return of firearms seized by or surrendered to the local law enforcement agency or the state police pursuant to the provisions of this chapter or chapter 8.1 of title 8. The state police may consult with the Rhode Island Police Chiefs' Association in developing rules and procedures to effectuate this section.

## **Title 11 – Criminal Offenses**

### **Chapter 47 – Weapons**

#### **Section 11-47-1. Short title.**

This chapter may be cited as the "Firearms Act".

#### **Section 11-47-2. Definitions.**

When used in this chapter, the following words and phrases are construed as follows:

(1) **"3D printing process"** means 3D printing or additive manufacturing which is a process of making three (3) dimensional solid objects from a computer file and shall include any of various processes in which material is joined or solidified under computer control to create a three (3) dimensional object, with material being added together including liquid molecules, or powder grains.

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

(3) **"Binary trigger"** means a device that replaces a standard trigger on a semi-automatic weapon and is designed to fire one round on the pull of the trigger and another round upon release of the trigger.

(4) **"Bump-fire stock"** means any device that replaces a semi-automatic weapon's standard stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to rapidly fire the weapon.

(5) **"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, 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.

(6) **"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 that may readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows, and except instruments propelling projectiles that 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.

**(7) "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.

**(8) "Ghost gun"** means a firearm, including a frame or receiver, that lacks a unique serial number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer, maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. It does not include a firearm that has been rendered permanently inoperable, or a firearm that is not required to have a serial number in accordance with the federal Gun Control Act of 1968.

**(9) "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.

**(10) "Machine gun"** means any weapon that 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.

**(11) "Major component"** means, with respect to a firearm:

- (i) The slide or cylinder or the frame or receiver of the firearm; and
- (ii) In the case of a rifle or shotgun, includes the barrel of the firearm.

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

**(13) "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.

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

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

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

**(17) "Trigger crank"** means a trigger actuator that attaches to the trigger of a semi-automatic weapon and causes the weapon to fire by turning the crank handle.

**(18) "Undetectable firearm"** means any firearm that:

- (i) After removal of all parts, other than a major component, is not as detectable by walk-through metal detectors commonly used at airports or other public buildings; or
- (ii) Any major component of which, if subjected to inspection by the types of detection devices commonly used at airports or other public buildings for security screening, would not generate an image that accurately depicts the shape of the component; or
- (iii) Is manufactured wholly of plastic, fiberglass, or through a 3D printing process; or
- (iv) Upon which the frame or receiver lacks a unique serial number engraved or cased into on the frame or receiver by a licensed manufacturer, maker, or importer under federal law, or markings in accordance with 27 C.F.R. § 479.102. Provided, however, this subsection shall not apply to any firearm rendered permanently inoperable or a firearm manufactured prior to 1968.

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

**(a)** No person shall purchase, own, carry, transport, or have in his or her possession any firearm if that person:

- (1)** Has been convicted in this state or elsewhere of a crime of violence;
- (2)** Is a fugitive from justice;
- (3)** Has, in this state or elsewhere, entered a plea of nolo contendere to or been convicted of an offense punishable as a felony under § 12-29-5; or
- (4)** Has, in this state or elsewhere, entered a plea of nolo contendere to or been convicted of any of the following offenses punishable as a misdemeanor under § 12-29-5:



- (i) Simple assault (§ 11-5-3);
- (ii) Cyberstalking and cyberharassment (§ 11-52-4.2);
- (iii) Violation of a protective order (as set forth in § 12-29-2(a)(10); or
- (iv) Disorderly conduct (§ 11-45-1).

(A) A disorderly conduct conviction shall result in prohibition under this section if and only if the offense involves the use or attempted use of force or the threatened use of a dangerous weapon.

(5) The provisions of this subsection shall apply to all persons who enter a plea of nolo contendere to or have been convicted of any of the offenses specified in subsections (a)(3) and (a)(4) of this section, unless and until that person's matter has been expunged, or upon the completion of the sentence of a one-year filing, or the end of a one-year probationary period that no longer constitutes a conviction pursuant to § 12-18-3.

(b) No person shall purchase, carry, transport, or have in his or her possession any firearm if that person is subject to an order issued pursuant to chapter 15 of title 15, chapter 8.1 of title 8, or an equivalent order in this state or elsewhere, which order was issued after the person restrained has received notice of the proceedings and had an opportunity to be heard.

(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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

(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.

#### **Section 11-47-5.4. Surrender of firearms after domestic violence offenses.**

(a) A plea of nolo contendere, resulting in a filing or probation or conviction shall prohibit the defendant from purchasing, carrying, transporting, or having in his or her possession any firearm. Upon such a plea or conviction, the court shall order the defendant to surrender all firearms owned by the person or in the person's possession as described in this section.

(1) Surrender shall be made within twenty-four (24) hours of prohibition to the Rhode Island state police or local law enforcement or to a licensed gun dealer. The arresting law enforcement agency shall be immediately notified by the court of the order to surrender firearms. A law enforcement agency or licensed gun dealer taking possession of a firearm shall issue a proof of surrender to the person surrendering the firearm. The proof of surrender must include the name of the person, the date of surrender, and the serial number, manufacturer, and model of all surrendered firearms.

(2) A defendant transporting a firearm to surrender in accordance with this section shall not be liable to prosecution under §§ 11-47-5(d) or 11-47-8.

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

(i) File a copy of proof of surrender with the court of jurisdiction, and attest that all firearms owned by the person or in the person's possession at the time of plea or conviction have been surrendered in accordance with this section and that the person currently owns no firearms and has no firearms in his or her possession; or

(ii) Attest that, at the time of plea or conviction, the person owned no firearms and had no firearms in their possession, and that the person currently owns no firearms and has no firearms in his or her possession.

(4) The court of jurisdiction's copy of proof of surrender shall be kept under seal and shall not be part of the public record.

(5) The Rhode Island state police are authorized to develop rules, regulations and procedures pertaining to the storage of firearms that are surrendered pursuant to this section. The Rhode Island state police may consult with the Rhode Island Police Chiefs' Association in developing rules and procedures. Law enforcement agencies and departments shall observe due care in the receipt and storage of any firearm surrendered pursuant to this section. No law enforcement agency shall dispose of any firearm surrendered pursuant to this section unless that firearm is abandoned as provided in this section. The Rhode Island state police may consult with the Rhode Island Police Chiefs' Association in developing rules and procedures.

(6) A firearm surrendered to the Rhode Island state police or a local police department under this section shall be deemed abandoned if:

(i) Six (6) years have passed from the date of the completion of the defendant's sentence for an offense enumerated in § 11-47-5(a)(4); and

(ii) During the two (2) years following the six-year (6) period described in subsection (a)(6)(i) of this section, the Rhode Island state police or local police department has provided notice to the defendant, on at least two (2) separate occasions, that if the firearm is not reclaimed it shall be disposed of; and

(iii) After the two-year (2) period described in subsection (a)(6)(ii) of this section and after notice to the defendant, the defendant fails to reclaim the firearm.

(7) The Rhode Island state police may dispose of an abandoned firearm at any time, provided that no disposal shall occur while any appeal of the conviction for a crime enumerated in § 11-47-5(a)(4) is pending and provided that the owner of the firearm receives any financial value generated from its disposal less the cost associated with disposing of the firearm.

**Section 11-47-5.5. Motion to lift firearms prohibition for persons convicted of specified misdemeanor domestic violence offenses – Consecutive prohibitions – Return of surrendered firearms.**

(a) A person prohibited from purchasing, owning, carrying, transporting, or having in their possession any firearm solely because of a plea of nolo contendere to or a conviction of an offense enumerated in § 11-47-5(a)(4) may file a motion in the district court to have that firearm prohibition lifted in accordance with this section. A person who is otherwise prohibited under state law from purchasing, owning, carrying, transporting, or having in their possession any firearm shall not be eligible for relief under this section.

(b) Except for those cases where the defendant is eligible to reclaim firearms after the one year completion of a filing or probation under § 12-18-3, a person shall become eligible to file a motion seeking relief under this section after five (5) years from the date of the completion of his or her sentence, unless, during that five (5)-year period, the person enters a plea of nolo contendere to or is convicted of any new offense enumerated in § 11-47-5(a)(4).

(1) A person already prohibited from purchasing, owning, carrying, transporting, or having in their possession any firearm under § 11-47-5(a)(4) who pleads nolo contendere to or is convicted of any new offense enumerated in § 11-47-5(a)(4) shall be subject to an additional six (6)-year firearm prohibition under § 11-47-5(a)(4). That additional prohibition shall run consecutively to the prohibition already in effect at the time the person pleaded nolo contendere to or was convicted of the new offense.

(2) A person made subject to consecutive firearms prohibitions in accordance with this subsection shall not become eligible to file a motion seeking relief under this section until their consecutive prohibition periods have fully elapsed.

(d) The district court shall schedule a hearing on a motion seeking relief under this section no later than thirty (30) days from the date the motion is filed.

(e) The district court shall only consider whether the required amount of time to retrieve the firearms has expired, and that no other legal prohibition exists to prevent the respondent from recovering his or her firearms. If the court lifts a person's firearm prohibition pursuant to this section, the court shall issue the person written notice that the person is no longer prohibited from purchasing, owning, carrying, transporting, or having in his or her possession any firearm under § 11-47-5(a)(4).

(f) A firearm surrendered to the Rhode Island state police or a local police department by a person formerly prohibited under § 11-47-5(a)(4) who is granted relief under this section shall be returned to the person upon his or her request when:

(1) The person formerly prohibited under § 11-47-5(a)(4) provides written proof issued by the court indicating that the firearm prohibition has been lifted pursuant to this section; and

(2) The Rhode Island state police or a local police department determines that the person formerly prohibited under § 11-47-5(a)(4) is not otherwise prohibited from possessing a firearm under state or federal law.

(g) A court's grant of relief pursuant to this section shall not constitute an expungement, nor shall it in any way impact, negate, or otherwise modify the person's prior conviction of an offense enumerated in § 11-47-5(a)(4).

**Section 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.

**Section 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.

**Section 11-47-8. License or permit required for carrying pistol — Other weapons prohibited.**

**(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.

**(d)** It shall be unlawful for any person to possess a bump fire device, binary trigger, trigger crank or any other device that when attached to a semi-automatic weapon allows full automatic fire. Individuals who possess these items shall have ninety (90) days from the enactment of this section to either sell, destroy or otherwise remove these items from the state of Rhode Island. Every person violating the provisions of this section shall, upon conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by a fine up to ten thousand dollars (\$ 10,000), or both, and, except for a first conviction under this section, shall not be afforded the provisions of suspension or deferment of sentence, nor a probation.

**(e)** No person shall manufacture, sell, offer to sell, transfer, purchase, possess, or have under his or her control a ghost gun or an undetectable firearm or any firearm produced by a 3D printing process. Any person convicted of violating this subsection shall be punished by imprisonment of not more than ten (10) years, or by a fine up to ten thousand dollars (\$10,000), or both and except for a first conviction under this section shall not be afforded the provisions of suspension or deferment of sentence, probation, nor fine. These provisions shall not apply to federally licensed manufacturers (FLN) pursuant to Alcohol, Tobacco, Firearms, and Explosives (ATF) regulations.

**Section 11-47-8.1. Modification of semi-automatic weapon.**

**(a)** It shall be unlawful for any person within this state to modify any semi-automatic weapon such that it can shoot, is designed to shoot, or can be readily restored to shoot full-automatic fire with a single pull or hold of the trigger. The possession of such a modified semi-automatic weapon shall be evidence of guilty knowledge by the person having possession that the semi-automatic weapon was modified. Every person violating the provisions of this subsection shall, upon conviction, be punished by imprisonment for not less than one year nor more than ten (10) years, or by a fine up to ten thousand dollars (\$ 10,000), or both, and, except for a first conviction under this section, shall not be afforded the provisions of suspension or deferment of sentence, nor a probation.

**(b)** This section shall not apply to the purchase of any such device 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.

**(c)** Weapons otherwise considered legal that are found modified by devices pursuant to this section shall be subject to forfeiture pursuant to § 11-47-22.

**(d)** This section shall not be construed to prohibit use of a replacement trigger or trigger components designed and intended to decrease the weight of the trigger pull or to improve the quality and release of the trigger pull in a semi-automatic weapon.

**Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 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."

#### **Section 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."

#### **Section 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.

#### **Section 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.

**Section 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.

**(2)** The person selling the pistol or revolver shall on the date of application sign and forward by registered mail, by delivery in person, or by electronic mail if approved by the applicable police department, the original and duplicate copies of the application to the chief of police in the city or town in which the purchaser has his or her residence or to the superintendent of the Rhode Island state police in the instance where the purchaser either resides in the town of Exeter or resides out of state. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the purchaser has his or her residence 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, by delivery in person, or by electronic mail to the attorney general. The person who is selling the pistol or revolver 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 pistol or revolver, he or she will deliver the firearm applied for to the purchaser. 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.

#### **Section 11-47-35.1. Persons exempt from Section 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.

#### **Section 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.

(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, or by electronic mail if approved by the applicable police department, the original and duplicate copies of the application to the chief of police in the city or town in which the purchaser has his or her residence or to the superintendent of the Rhode Island state police in the instance where the purchaser either resides in the town of Exeter or resides out of state. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the purchaser has his or her residence 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, by delivery in person, or by electronic mail, to the attorney general. The person who is selling the rifle or shotgun 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 purchaser. 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.



**Section 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.

**Section 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.

**Section 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.

**Section 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.

**Section 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."

**Section 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.

**Section 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.

**Section 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.

## **Section 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.

### **Section 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.

### **Section 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.

### **Section 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 12 – Criminal Procedure**  
**Chapter 29 – Domestic Violence Prevention Act**

**Section 12-29-5. Disposition of domestic violence cases.**

**(d)** The court shall determine, for every person who pleads nolo contendere to, or is convicted of, an offense involving domestic violence as enumerated in § 12-29-2, whether, as a result of the plea or conviction, the defendant is prohibited under § 11-47-5(a)(3) or § 11-47-5(a)(4) from purchasing, owning, carrying, transporting, or having in his or her possession any firearm.

**(1)** Prior to the entry of a plea of nolo contendere to an offense involving domestic violence as enumerated in § 12-29-2, the court shall advise the defendant that a plea of nolo contendere has the same legal effect and collateral consequences as a plea of guilty.

**(2)** Prior to the entry of a plea of nolo contendere to an offense punishable as a felony involving domestic violence as enumerated in § 12-29-2, or an offense enumerated in § 11-47-5(a)(4), the court shall advise the defendant that, in addition to any other sentence or penalty, the defendant shall, as result of the plea, be prohibited from purchasing, owning, carrying, transporting, or having in their possession any firearm under § 11-47-5.

**(3)** The person required to surrender his or her firearms pursuant to this section shall not be responsible for any costs of storage of any firearms surrendered pursuant to this section.

**(g)** The court shall indicate on every record of conviction or a plea of nolo contendere for an offense punishable as a felony involving domestic violence, as defined in § 12-29-2, that the defendant is prohibited under §§ 11-47-5 and 11-47-5.3 from purchasing, owning, carrying, transporting, or having in their possession, any firearm(s). The court shall inform the defendant of their prohibited status and shall order the defendant to surrender any firearm(s) in their ownership, possession, care, custody or control in accordance with § 11-47-5.3.

**(h)** The court shall indicate on every record of conviction or a plea of nolo contendere for an offense enumerated in § 11-47-5(a)(4) that the defendant is prohibited under §§ 11-47-5 and 11-47-5.4 from purchasing, owning, carrying, transporting, or having in their possession, any firearm(s). The court shall inform the defendant of their prohibited status, shall order the defendant to surrender any firearm(s) in their ownership, possession, care, custody or control, and shall ensure that surrender is made in accordance with § 11-47-5.4.

**(i)** No proceeds shall be provided to any person if the firearm(s) is destroyed pursuant to this section.

**(j)** Any firearm(s) used in the commission of the offense leading to the conviction pursuant to this section shall be forfeited to the state upon conviction.

**Title 15 – Domestic Relations**  
**Chapter 15 – Domestic Abuse Prevention**

**Section 15-15-3. Protective orders – Penalty – Jurisdiction.**

**(a)** A person, or a parent, custodian, or legal guardian on behalf of a minor child or the director of the department of children, youth and families ("DCYF") or its designee for a child in the custody of DCYF, pursuant to §§ 40-11-7 and 40-11-7.1, suffering from domestic abuse or sexual exploitation as defined in § 15-15-1, may file a complaint in the family court requesting any order that will protect and support her or him from abuse or sexual exploitation, including, but not limited to, the following:

**(4)** Ordering the defendant to surrender physical possession of all firearms in his or her possession, care, custody, or control and shall further order a person restrained not to purchase or receive, or attempt to purchase or receive, any firearms while the protective order is in effect. The defendant shall surrender said firearms within twenty-four (24) hours of notice of the protective order to the Rhode Island state police or local police department or to a federally licensed firearms dealer.

**(i)** A person ordered to surrender possession of any firearm(s) pursuant to this section shall, within seventy-two (72) hours after being served with the order, either:

**(A)** File with the court a receipt showing the firearm(s) was physically surrendered to the Rhode Island state police or local police department, or to a federally licensed firearms dealer; or

**(B)** Attest to the court that, at the time of the order, the person had no firearms in his or her immediate physical possession or control, or subject to their immediate physical possession or control, and that the person, at the time of the attestation, has no firearms in their immediate physical possession or control, or subject to their immediate physical possession or control.

**(ii)** If a person restrained under this section transfers a firearm(s) to a federally licensed firearms dealer pursuant to this section, the person restrained under this section may instruct the federally licensed firearms dealer to sell the firearm(s) or to transfer ownership, in accordance with state and federal law, to a qualified named individual

who is not a member of the person's dwelling house, who is not related to the person by blood, marriage, or relationship as defined by § 15-15-1(7), and who is not prohibited from possessing firearms under state or federal law. The owner of any firearm(s) sold shall receive any financial value received from its sale, less the cost associated with taking possession of, storing, and transferring of the firearm(s).

**(iii)** Every individual to whom ownership of a firearm(s) is transferred pursuant to this subsection shall be prohibited from transferring or returning any firearm(s) to the person restrained under this section while the protective order remains in effect and shall be informed of this prohibition. Any knowing violation of this subsection is a felony that shall be punishable by a fine of not more than one thousand dollars (\$ 1,000), or by imprisonment for a term of not less than one year and not more than five (5) years, or both.

**(iv)** An individual to whom ownership of a firearm(s) is transferred pursuant to this subsection shall return a firearm(s) to the person formerly restrained under this section only if the person formerly restrained under this section provides documentation issued by a court indicating that the restraining order issued pursuant to this section that prohibited the person from purchasing, carrying, transporting, or possessing firearms has expired and has not been extended;

**(b)** After notice to the respondent and a hearing, which shall be held within fifteen (15) days of surrendering said firearms, the court, in addition to any other restrictions, may, for any protective order issued after or renewed on or after July 1, 2017, continue the order of surrender, and shall further order a person restrained under this section not to purchase or receive, or attempt to purchase or receive, any firearms while the protective order is in effect.

**(c)** The Family Court shall provide a notice on all forms requesting a protective order that a person restrained under this section shall be ordered pursuant to § 11-47-5 to surrender possession of any firearms while the protective order is in effect. The form shall further provide that any person who has surrendered his or her firearms shall be afforded a hearing within fifteen (15) days of surrendering his or her firearms.

**(d)** Any firearm surrendered in accordance with this section to the Rhode Island state police or local police department shall be returned to the person formerly restrained under this section upon his or her request when:

**(1)** The person formerly restrained under this section produces documentation issued by a court indicating that the restraining order issued pursuant to this section that prohibited the person from purchasing, carrying, transporting, or possessing firearms has expired and has not been extended; and

**(2)** The law enforcement agency in possession of the firearms determined that the person formerly restrained under this section is not otherwise prohibited from possessing a firearm under state or federal law.

**(3)** The person required to surrender their firearms pursuant to this section shall not be responsible for any costs of storage of any firearms surrendered pursuant to this section.

**(f)** Nothing in this section shall be construed to limit, expand, or in any way modify orders issued under § 12-29-7 or § 15-5-19.

**(g)** 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.

**(j)** At the hearing, the person restrained under this section shall have the burden of showing, by clear and convincing evidence, that, if his or her firearm rights were restored, he or she would not pose a danger to the person suffering from domestic abuse or to any other person.

**(1)** In determining whether to restore a person's firearm rights, the court shall examine all relevant evidence, including, but not limited to: the complaint seeking a protective order; the criminal record of the person restrained under this section; the mental health history of the person restrained under this section; any evidence that the person restrained under this section has, since being served with the order, engaged in violent or threatening behavior against the person suffering from domestic abuse or any other person.

**(2)** If the court determines, after a review of all relevant evidence and after all parties have had an opportunity to be heard, that the person restrained under this section would not pose a danger to the person suffering from domestic abuse or to any other person if his or her firearm rights were restored, then the court may grant the petition and modify the protective order and lift the firearm prohibition.

**(3)** If the court lifts a person's firearms prohibition pursuant to this subsection, the court shall issue the person written notice that he or she is no longer prohibited under this section from purchasing or possessing firearms while the protective order is in effect.

**(k)** 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 his or her employment to carry a firearm in

the performance of his or her duties. Any individual exempted pursuant to this exception may possess a firearm only during the course of his or her 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 this section.

**Bristol Code of Ordinances**

Current through Ordinance 2018-18, enacted February 19, 2020. (Supplement Number 43)

**Chapter 28 – Zoning  
Article III – Permitted Uses**

**Section 28-82. Use regulations.**

(a) Generally. The following permitted use table is designed to regulate land uses in the various zoning districts in town.

- (1) Permitted uses are denoted with a "Y" for Yes;
- (2) Uses not permitted are denoted with an "N" for No; and
- (3) Uses permitted only upon approval of the zoning board are denoted with an "S" for a special use permit. Uses permitted by special use permit for which there are specific standards are further denoted with an asterisk (\*).

Table A. Permitted Use Table

Zoning Districts	R-80	R-40	R-20	R-15	R-10 R-10SW R-8	R-6	LB	GB	D	W	M	OS	EI	HPC	MMU
Service Business															
Gunsmith (gun repair)	N	N	N	N	N	N	N	Y	N	N	S	N	N	N	S
Gunsmith (sales)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

**Burrillville Code of Ordinances**

Current through Ordinance of February 12, 2020. (Supplement Number 26)

**Chapter 8 – Businesses and Licensing  
Article VI – Firearms  
Division 2 – License**

**Section 8-231. Required.**

No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol, revolver, or other firearm without being licensed as provided in this division.

**Section 8-234. Conditions.**

Any license issued shall be subject to the following conditions:

- (1) The business shall be carried on only in the building designated in the license.
- (2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.
- (3) No pistol or revolver shall be sold in violation of this division or violation of G.L. 1956, 11-47-35, 11-47-36, 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 identity.
- (4) No person shall sell a pistol or revolver to any person under the age of 21 or to one whom he has reasonable cause to believe falls under the provisions of G.L. 1956, 11-47-5, 11-47-6, 11-47-7 or 11-47-23.

**Section 8-235. Revocation.**

Failure to comply with the conditions set forth in section 8-234 shall result in forfeiture of the license and punishment pursuant to G.L. 1956, 11-47-1 et seq.

**Section 8-236. License Fee and Duration.**

The fee for issuing the license shall be \$5.00. Licenses shall expire on December 31 of each year.

**Charlestown Code of Ordinances**

Current through February 10, 2020.

**Chapter 111 – Firearms  
Article I – Retail Firearms Dealers**

**Section 111-1. Purpose.**

The purpose of this ordinance is to establish a local retail firearm dealer's licensing procedure whereas to be in compliance with Rhode Island State Law.

**Section 111-2. License required.**

All persons wishing to obtain a retail firearm dealer's license to sell within the geographic boundaries of the Town of Charlestown, State of Rhode Island, pistols, revolvers, rifles and shotguns at retail shall make application for such a license to the Town Council of the Town of Charlestown.

**A. Effective date.** Any such license issued to a retail firearm dealer shall not be effective for more than one (1) year from the date of issuance, and any such license is subject to the retail firearm dealer being in total compliance with all applicable federal, state and local laws.

**B. Licensing fee.** The fee for the issuance of said retail firearm dealer's license shall be five dollars (\$5.).

**C. Conditions.** The licensee shall be subject to the following conditions, and a breach of any of these conditions shall subject the license to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol or revolver shall be sold in violation of any provision of this chapter, nor shall a pistol or revolver be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

**Coventry Code of Ordinances  
Current through January 27, 2020.**

**Chapter 255 – Zoning  
Article IX – Supplementary Regulations**

**Section 255-930. Supplemental regulations for specific land uses.**

**G. Customary home occupation.**

Customary home occupation. As set forth in Article II, any customary home occupation shall be customarily conducted in a dwelling unit by a member of the family residing in said unit. No persons residing outside the home shall be employed. The use shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.

(1) All customary home occupations shall conform to the following conditions:

(f) No dealing or selling of firearms or related products shall be permitted.

**255 Attachment 1**

**Schedule of District Use Regulations**

The following uses are permitted only in the zoning district marked with a "P." Uses permitted in the zoning district as a special use permit under the provisions of Article IV of this chapter are marked with an "S." Where an "N" appears, the uses are prohibited. Note that Article XII (regarding parking), Article XVI (Development Plan Review), and Article XVII (Landscaping) will likely apply to some residential and agricultural uses, as well as most commercial and industrial uses.

Table 6-1

8. Retail trade: miscellaneous retail stores.

	Use	RR5	RR3	RR2	R20	VRC	VMC	GB	BP	I1	I2	Comments
01	Drugstores, video rental, office equipment, sporting goods and gun stores	N	N	N	N	P	P	P	S	N	N	

**East Providence Code of Ordinances**

Current through Ordinance Number 769, enacted June 2, 2020. (Supplement Number 71)

**Chapter 9 – Miscellaneous Offenses**

**Section 9-7. Sale of rifle, pistol, etc., to minors.**

No person shall sell or offer to sell any rifle, gun, pistol, air gun, spring gun, slingshot or similar contrivance arranged to discharge missiles to any person under the age of 18 years without the prior approval of the parent or guardian.

**Exeter Code of Ordinances**

Current through Amendment of October 7, 2019. (Supplement Number 25)

**Chapter 18 – Businesses  
Article V – Firearms Dealers  
Division 2 – License**

**Section 18-202. Required.**

No person who is not licensed under the provisions of this division shall engage in the business of buying or selling firearms within the town. The term "persons" as used in this section shall mean any individual, firm, corporation, partnership, business or other entity.

**Section 18-206. Federal and state licenses required.**

No license shall be issued under this division to any person who does not have requisite federal and state license for dealers in firearms.

**Section 18-207. Applicability of state and federal law.**

Any license issued under this division shall be subject to all applicable provisions of federal and state law.

**Section 18-208. Conditions.**

Any license issued under this division shall, in addition to other applicable provisions of law, be subject to the following conditions:

- (1) The business shall be carried on only in the building designated in the license.
- (2) The license or copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.
- (3) No pistol or revolver shall be sold in violation of any provisions of G.L. 1956, ch. 11-47, nor shall a pistol or revolver be sold under any circumstances unless the purchaser is personally known to the seller or the purchaser presents clear evidence of his identity.

**Section 18-209. Expiration.**

Any license issued under this division shall expire on December 31 of each year.

**Section 18-212. Suspension; revocation.**

Any license issued under this division may be suspended or revoked by the town council at any time, for reasonable cause shown after giving the license holder an opportunity to be heard at a public hearing to be scheduled by the town council.



**Foster Code of Ordinances**  
Current through May 6, 2019.

**Chapter 38 – Zoning**  
**Article IV – Uses**  
**Division 2 – Description of Uses**

**Section 38-191. Table of uses.**

The uses in the various zoning districts are as follows:

	Districts					
	AR	NC	GBM	MI	R-SC	M
Business						
21. Firearms shops, ammunition shops, archery shops, edged weapons shops	O	X	X	S	O	O

Key:  
X - Permitted use  
O - Prohibited use  
S - Special use permit  
NA - Not applicable

**Glocester Code of Ordinances**  
Current through February 6, 2020.

**Chapter 350 – Zoning**  
**Article I – Administration and Procedures**

**Section 350-5. Definitions.**

**Home Occupation.** Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit located within a residentially zoned area, but not to include any dealing and/or selling of firearms or related products.

**350 Attachment 1**

**Table of Use Regulations**

Yes = Permitted No = Prohibited S.P. = Permitted by Special Use Permit

Use Classification	A-4	A-3	R-2	B-1	B-2	I	VD	DC
Section 8. Retail Business								
8. Firearms/Dealers	No	No	No	Yes	Yes	Yes	Yes	Yes
Section 10. Wholesale Business and Storage								
6. Firearms/Dealers	No	No	No	Yes	Yes	Yes	Yes	Yes

**Narragansett Code of Ordinances**

Current through Ordinance Number 1055, enacted September 4, 2018. (Supplement Number 13)

**Appendix A – Zoning**  
**Section 6 – Zone Regulations**

**Section 6.1. Use regulations.**

The following Table of Use Regulations lists the use regulations for land and structures in each zone, subject to all other provisions of this ordinance. The following symbols indicate the status of each use:

P = Permitted use  
X = Prohibited use

**Section 6.3. Prohibited uses.**

Table of Use Regulations													
Code	Description	R-80	R-40	R-20	R-10	R-10A	BA	BB	BC	IA	IB	P	Comments
5952	Sporting goods and gun shops	X	X	X	X	X	P	P	X	X	X	X	

**Pawtucket Code of Ordinances**  
Current through March 21, 2019.

**Chapter 206 – Firearms  
Article I – Sale of Firearms**

**Section 206-1. License required.**

No person, firm or corporation may operate a retail shop for the sale of pistols and revolvers without first obtaining a license from the City Council effective for not more than one year from the date of issue.

**Section 206-2. License fee.**

The cost of each license shall be \$5.

**Section 206-3. License not transferable.**

No license issued under the provisions of this article shall be transferable.

**Section 206-4. Conditions to licensing.**

The granting of such license shall be subject to the following conditions. If any of these conditions are breached, the license shall be forfeited and the licensee subject to punishment as provided in this article:

- A.** The business shall be carried on only in the building designated in the license.
- B.** The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.
- C.** No pistol or revolver shall be sold in violation of any provision contained in Chapter 11 of Title 47 of the General Laws of the State of Rhode Island, 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.

**Chapter 210 – Fire Prevention  
Article II – Fire Prevention Code**

**Section 210-6. Manufacture of firearms and explosives prohibited.**

The manufacturer of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, shall be prohibited. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

**Chapter 410 – Zoning  
410 Attachment 1**

**Table of use regulations.**

		RL	RS	RT	RM	RE	RD1	RD2	RD3	CL	CG	CD	MO	MB	PO	PC	RCD
19.	Industrial uses.																
W.	Manufacturing of firearms.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

**Smithfield Code of Ordinances  
Current through May 19, 2020.**

**Chapter 198 – Fire Prevention  
Article V – Explosives, Ammunition and Blasting Agents**

**Section 198-33. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Small Arms Ammunition.** Any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns.

**Section 198-35. Permit required.**

Permits shall be obtained:

- A.** To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents or small arms ammunition;

**Section 198-36. Restrictions.**

**A.** The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, as defined in this article, shall be prohibited unless such manufacture is authorized by the Chief of the Fire Department. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

**West Greenwich Code of Ordinances**  
Current through December 11, 2019.

**Chapter 400 – Zoning**  
**400 Attachment 1**

**Zoning Use Categories**

Use Category	RFR-2	RFR-1	OSPL	Neighborhood Business	Highway Business	Exit 7 SMD	IND A	IND B	CORP	SVD
6 Personal, Business and Professional Services										
646 Locksmith and gun smith shops	X	X	X	P	P	P	P	P	X	X

P = Permitted S = Special Use X = Prohibited

**West Warwick Code of Ordinances**

Current through Resolution No. 1019-107, enacted July 16, 2019. (Supplement Number 17)

**Appendix A – Zoning Ordinance**  
**Article I – General Provisions**

**Section 5. Use regulations.**

5.3 Table of use regulations.

Y=Permitted X=Prohibited S=Special Use Permit

Nonresidential Districts				
	B	CI	BP	VC *
E. Retail Business				
5a. Sale or trading of firearms	Y/S	Y/S	X	Y

**Westerly Code of Ordinances**

Current through September 21, 2020.

**Chapter 260 – Zoning**  
**Article IV – Standard Zoning Districts Use Regulations**

**Section 260-17. Permitted uses.**

G. District use table categories. The District Use Table contains the following categories:

- (1) A use listed on the District Use Table and denoted by the letter “P” is a use permitted by right in the zoning district.
- (2) A use listed on the District Use Table and denoted by the letter “S” is a use permitted by special use permit in the zoning district. (See § 260-34, Special use permits.)
- (3) A use listed on the District Use Table and denoted by the letter “N” is a use not permitted in the zoning district.

**260 Attachment 11**

**Zoning District Use Tables**

Standard Use Tables

RR - Rural Residential  
LDR - Low Density Residential  
MC - Marine Commercial  
MDR - Medium Density Residential  
HDR - High Density Residential  
P - Professional  
DC - Downtown Center  
NB - Neighborhood Business

HC - Highway Commercial  
GC - General Commercial  
SC-WH - Shore Commercial - Watch Hill  
SC-G - Shore Commercial - General  
GI - General Industrial  
LI - Light Industrial

ORAT - Office Research, Assembly and Tech.  
OSR - Open Space and Recreational  
CR - Commercial Recreational  
APO - Aquifer Protection Overlay

