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2022 FIREARMS LEGISLATION GUIDANCE

AG 2022-02

TO: Rhode Island's Firearm Owners and Prospective Firearm Owners
FROM: Peter F. Neronha, Attorney General *PTN*
DATE: December 14, 2022
SUBJECT: **Rhode Island's recently enacted firearms legislation**

During the 2022 legislative session, the General Assembly passed three significant pieces of legislation regarding firearms safety in Rhode Island: a bill banning large capacity feeding devices, a bill banning the open carry of loaded shotguns and rifles, and a bill to raise the age to purchase a firearm from 18 to 21. On June 21, 2022, Governor Daniel J. McKee signed these bills into law.

The Attorney General issues the following guidance to ensure that all Rhode Islanders understand what the new laws provide, and how best to come into compliance with the law, where necessary and appropriate. Guidance and frequently asked questions may be found at the following pages:

- Banning Large Capacity Feeding Devices – Page 2
- Banning Open Carry of Loaded Shotguns and Rifles – Page 6
- Raising the Age to Purchase to 21 – Page 7

This guidance will be updated on an ongoing basis as needed to address additional questions that emerge and/or to provide additional information that is brought to the Office's attention.

Please note that this document is intended for informational purposes only and does not constitute legal advice. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those required under applicable law.

Banning Large Capacity Feeding Devices

Public Laws 2022 Ch. 99

House Bill 6614 Substitute A, otherwise known as the “Rhode Island Large Capacity Feeding Device Ban of 2022,” was signed by Governor Daniel J. McKee and became law on June 21, 2022. Generally, the law provides for the following:

- A ban on large capacity feeding devices which are capable of holding, or can be readily extended to hold, more than ten (10) rounds of ammunition.
- No person, except for a federally licensed firearms dealer, shall manufacture, sell, offer to sell, transfer, purchase, possess or have under their control a large capacity feeding device, except as otherwise provided by law.
- The ban does not apply to active law enforcement, certain retired law enforcement, and certain active-duty members of the military.
- The law provides individuals who were already in possession of a large capacity feeding device as of June 21, 2022, with six (6) months (or up **until December 18, 2022**, which is 180 days from June 21, 2022) to come into compliance with the new law in any one of the following ways: permanently modify, transfer, sell, or surrender the large capacity feeding device to local law enforcement or the Rhode Island State Police.
- Any person who violates the law faces up to five (5) years imprisonment and/or a fine of up to \$5,000, and forfeiture of the feeding device.

Frequently Asked Questions

1. When did the law banning large capacity feeding devices take effect?

The Act became effective immediately after Governor McKee signed it into law on June 21, 2022. However, anyone who was already in lawful possession of a large capacity feeding device as of that effective date has **until December 18, 2022**, to permanently modify, transfer, sell, or surrender the device to local law enforcement or the Rhode Island State Police.

2. What exactly is a large capacity feeding device?

Under Rhode Island law, a large capacity feeding device is a magazine, box, drum, tube, belt, feed strip, or other ammunition feeding device, which is capable of holding, or can readily be extended to hold, more than ten (10) rounds of ammunition to be fed continuously and directly into a semi-automatic firearm.

3. Is a tubular device, capable of holding only .22 caliber rimfire ammunition considered a large capacity feeding device?

No, under this law a tubular device which is capable of holding only .22 caliber rimfire ammunition is not considered a large capacity feeding device.

4. Who may purchase and/or possess a large capacity feeding device after June 21, 2022?

The following groups of individuals are exempt from the large capacity feeding device ban:

- Any law enforcement officer who is exempt under R.I.G.L. §§ [11-47-9](#) or [11-47-9.1](#);
- A retired law enforcement officer who is exempt under R.I.G.L. §§ [11-47-9](#) or [11-47-9.1](#) and who is not otherwise prohibited from receiving such a feeding device from their agency upon retirement **and** who has a permit to carry issued by the Attorney General's office pursuant to [R.I.G.L. § 11-47-18\(b\)](#); or
- An active-duty member of the Armed Forces or National Guard who is authorized to possess and carry such a feeding device.

Individuals who are not members of one of these groups may no longer purchase large capacity feeding devices. Individuals who were already in possession of a large capacity feeding device as of June 21, 2022, may continue to possess those devices and have until December 18, 2022 to come into compliance with the new law.

5. I do not fall under any of the exemptions. What are my options if I was, as of the effective date of this new law, and still am in possession of a large capacity feeding device that is capable of holding more than ten (10) rounds of ammunition?

Within 180 days of the effective date of this law, **or no later than December 18, 2022**, an individual may do any of the following to come into compliance:

- Permanently modify the feeding device such that it cannot hold more than ten (10) rounds of ammunition;
- Surrender the feeding device to the police department in the city or town where the person resides or to the Rhode Island State Police;
- Transfer or sell the feeding device to a federally licensed firearm dealer; or
- Transfer or sell the feeding device to a person or firm outside the State of Rhode Island that is lawfully entitled to own or possess such a feeding device.

6. How do I surrender my large capacity feeding device?

You may surrender your large capacity feeding device(s) to your local police department or to the Rhode Island State Police in either of two ways:

- (1) Anonymous surrender to the department, with no questions asked; OR

- (2) Documented surrender for anyone who wishes to have a record or receipt of where, when and what was surrendered pursuant to this law.

For any “documented surrender,” the department will store the large capacity feeding device(s) in a manner that will allow their return to the owner, in the event that this law is later found unconstitutional. Those who choose to surrender anonymously will not be able to reclaim their devices.

All large capacity feeding devices must be unloaded and separated from any firearm prior to surrender.

7. What are acceptable ways to “permanently modify” a large capacity feeding device?

Examples of permanent modification include the insertion of a limiter or blocker into a non-compliant device, which will limit the capacity to ten (10) rounds. The limiter or blocker must be epoxied or riveted to the body of the device to constitute a permanent modification.

8. Where can I purchase a magazine or feeding device that complies with this new law? What if my firearm normally accepts a higher capacity feeding device?

With a number of states across the country limiting feeding devices to ten (10) rounds, there is already a market for firearms that comply with this law and for 10-round feeding devices for firearms that normally accept higher-capacity feeding devices.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) maintains a list of federally licensed firearms dealers by state, including for Rhode Island, which may be accessed here: <https://www.atf.gov/firearms/listing-federal-firearms-licensees>

9. I am a retired law enforcement officer. May I retain, purchase, or possess a large capacity feeding device after my retirement?

Under the law, you can retain, purchase or possess a large capacity feeding device even after you retire from a law enforcement agency listed in R.I.G.L. §§ [11-47-9](#) or [11-47-9.1](#), provided that you are not otherwise prohibited from receiving such a feeding device from the agency from which you retired. In addition, you must also have a permit to carry a firearm from the Attorney General’s office, pursuant to [R.I.G.L. § 11-47-18\(b\)](#).

Expedited permit applications are available for retired law enforcement. A showing of need is not required. Please visit our website at www.riag.ri.gov/about-our-office/divisions-and-units/bureau-criminal-identification-bci/pistol-permits. Click on “Law Enforcement CCW Permit.”

10. Will law enforcement be going door-to-door to confiscate feeding devices that do not comply with this law?

No, but just like any other item that is unlawful to possess (i.e., contraband), if an individual is found to be in unlawful possession of an unmodified, large capacity feeding device, they are subject to arrest and prosecution.

11. May I use my firearm with a large capacity feeding device prior to December 18, 2022?

Yes. However, as described above, any large capacity feeding devices must be permanently modified, surrendered to a city/town police department or the Rhode Island State Police, or transferred or sold to a federally licensed firearms dealer or person or firm outside of the state of RI who is lawfully entitled to own or possess such a device by December 18, 2022.

Banning Open Carry of Loaded Shotguns and Rifles

[Public Laws 2022 Ch. 133](#)/[Public Laws 2022 Ch. 134](#)

House Bill 7358A and Senate Bill 2825 were signed by Governor Daniel J. McKee and became law on June 21, 2022. Generally, the law provides for the following:

- Open carry of a loaded shotgun or rifle on any public roadway is now prohibited.
- “Rifle” and “shotgun” are defined, and have the same definition as already exists in Federal law, pursuant to [26 U.S.C. § 5845\(c\) and \(d\)](#) respectively.
- Persons who are exempt from this law include duly authorized law enforcement officers and active military (see [Public Laws 2022 Ch. 134](#) for a comprehensive list) and persons legally engaged in hunting activities.
- Violations of this law may result in up to five (5) years in prison and/or a fine of \$5,000.

Frequently Asked Questions

1. What does it mean to be “legally engaged in hunting activities” for the purpose of this law?

Hunting and hunting safety is regulated by [Chapter 13, Title 20 of the Rhode Island General Laws](#). The Rhode Island Department of Environmental Management’s [website](#) contains additional information regarding hunting activities.

2. Does this law prohibit historical reenactments, that often involve muskets loaded with blanks?

No, the law prohibits the open carry of **loaded** rifles or shotguns. A rifle loaded with a blank would not be considered loaded for purposes of this law, as there are no projectiles in the firearm. Furthermore, muskets or “black powder guns” are not considered rifles under federal law. As the legislation defines rifles consistent with federal law, these types of firearms would fall outside the scope of the law.

3. Will law enforcement be conducting vehicle or other stops to determine whether an individual is carrying a loaded rifle or shotgun?

No, but just like any other item that is unlawful to possess (i.e., contraband), if an individual is found to be in possession of a loaded rifle or shotgun on a public roadway, they are subject to arrest and prosecution.

Raising the Age to Purchase to 21

Public Laws 2022 Ch. 135/Public Laws 2022 Ch. 136

House Bill 7457aa and Senate Bill 2637A were signed by Governor Daniel J. McKee and became law on June 21, 2022. Generally, the law provides for the following:

- No person shall transfer, sell, or deliver any firearm to a purchaser who is under the age of 21.
 - Exemptions: Full-time members of the state police or city/town police, state marshals or correctional officers and active-duty military may buy or otherwise receive a firearm if they are under the age of 21.
 - Any individual who violates sections which regulate the sales of firearms and ammunition shall be punished by a fine of not more than \$1,000, imprisonment for not more than five (5) years, or both. (See [R.I. Gen. Laws § 11-47-26](#)).
- No person shall sell ammunition to any person under the age of 21.
 - Beginning January 1, 2023, a person may only purchase ammunition if they are 21 years or older and have a valid pistol/revolver safety certificate or a Rhode Island hunter education course card issued by the Department of Environmental Management.
 - Exemptions: Full-time members of the state police or city/town police, state marshals or correctional officers, active-duty military, and persons licensed to carry a firearm by their local police department or the Attorney General.
 - Any individual who violates the section pertaining to the sale of ammunition shall be guilty of a felony and may be punished by up to five (5) years imprisonment and/or a five thousand dollar (\$5,000) fine.

Frequently Asked Questions

1. When did this Act take effect?

This Act became effective immediately after Governor McKee signed it into law on June 21, 2022. However, certain ammunition purchase requirements do not become effective until January 1, 2023.

2. Under this law, who may purchase ammunition?

Anyone, not otherwise prohibited under federal or state law who is 21 years of age or older may purchase ammunition.

Beginning on January 1, 2023, to purchase ammunition, you must be 21 years of age or older **and** have a valid pistol/revolver safety certificate ("blue card") or hunter education certificate.

The following are exempt from the new ammunition purchase requirements: full-time members of the state police or city/town police, state marshals or correctional officers, active-duty military, and persons licensed to carry a firearm by their local police department or the Attorney General.

3. What is a pistol/revolver safety certificate or “blue card”?

A “blue card” is the colloquial term for the pistol/revolver safety certificate. Blue cards are issued by the RI Department of Environmental Management. Blue cards may be issued to lawful residents of this state who are at least 21 years old. To obtain a blue card, an individual must pass the State’s requisite handgun safety exam. A score of 80 points or higher is required to pass.

For more information on how to obtain a blue card, please see:

<https://dem.ri.gov/natural-resources-bureau/fish-wildlife/handgun-safety-certification-blue-card>.

For more information about the hunter education card please see:

<https://dem.ri.gov/natural-resources-bureau/fish-wildlife/outreach-education/hunter-education/frequently-asked>

A blue card or a hunter education card is needed to purchase both a handgun and, beginning on January 1, 2023, **any** ammunition.

4. Is the pistol/revolver safety certificate or hunter education card the same as a concealed carry permit?

No, the pistol/revolver safety certificate is not the equivalent of a concealed carry permit, but concealed carry permit holders do not need a blue card or hunter education card to purchase ammunition.

5. I am a full-time member of the state police or a municipal police department. Am I exempt from this law?

Yes, full-time members of the state police or any other municipal police department are exempt from the age restrictions and the requirements with respect to ammunition purchase set forth in this statute. State marshals are also exempt.

6. I am a correctional officer. Am I exempt from this law?

Yes, individuals employed as correctional officers are exempt from the age restrictions and ammunition purchase requirements set forth in this statute.

7. I am an active-duty member of the United States armed forces. Am I exempt from this law?

Yes, active-duty members of any branch of the United States armed forces, organized reserved, or National Guard are exempt from the age restrictions and ammunition purchase requirements set forth in this statute.

8. I am a retired law enforcement officer. Am I exempt from this law?

No. The law does not provide an exemption for retired law enforcement officers.

However, retired law enforcement officers who obtain a permit to carry a firearm from the Attorney General do not need a blue card or hunter education card to purchase ammunition.

Expedited permit applications are available for retired law enforcement. A showing of need is not required. Please visit our website at www.riag.ri.gov/about-our-office/divisions-and-units/bureau-criminal-identification-bci/pistol-permits. Click on "Law Enforcement CCW Permit."

9. I am at least 18 but under the age of 21, and I own a rifle or long gun, as well as ammunition. Do I have to surrender my firearm or ammunition?

No, you do not have to surrender your firearm or ammunition. This law does not prohibit the possession of rifles or long guns, or the possession of ammunition, for individuals who are at least 18 but under the age of 21, but it does prohibit the sale or delivery of such firearms and/or ammunition to the individuals in that age group.

10. Does this law apply to BB guns or their ammunition?

No. This law does not apply to BB guns, air rifles or air pistols or their respective ammunition.