

2020 -- H 7103 SUBSTITUTE A

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LC003663/SUB A/2
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives McKiernan, Caldwell, Knight, McNamara, and Slater

Date Introduced: January 15, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-35 and 11-47-35.2 of the General Laws in Chapter 11-47
2 entitled "Weapons" are hereby amended to read as follows:

3 **11-47-35. Sale of concealable weapons -- Safety courses and tests -- Review board --**
4 **Issuance of permits to certain government officers.**

5 (a)(1) No person shall deliver a pistol or revolver to a purchaser until seven (7) days shall
6 have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the
7 purchase, and when delivered, the pistol or revolver shall be unloaded and securely wrapped, with
8 the bill of sale to be enclosed within the wrapper with the pistol or revolver. Any citizen of the
9 United States and/or lawful resident of this state who is twenty-one (21) years of age or older, and
10 any nonresident member of the armed forces of the United States who is stationed in this state
11 and who is twenty-one (21) years of age or older, may upon application purchase or acquire a
12 pistol or revolver. At the time of applying for the purchase of a concealable firearm, the purchaser
13 shall: (i) complete and sign in triplicate and deliver to the person selling the pistol or revolver the
14 application form described in this section, and in no case shall it contain the serial number of the
15 pistol or revolver; and (ii) shall present to the person selling the pistol or revolver a
16 pistol/revolver safety certificate issued by the department of environmental management. The
17 certificate shall be retained in the possession of the buyer. The pistol/revolver safety certificate
18 shall certify that the purchaser has completed a basic pistol/revolver safety course as shall be
19 administered by the department of environmental management.

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(Face of application form)

Application to Purchase Pistol or Revolver

Date Hour A.M. P.M.

Name

Address

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

Date of Birth Place of Birth

Height Weight Color hair

Color eyes

Scars

Tattoos

Other identifying marks

Are you a citizen of the United States

Are you a citizen of Rhode Island

How long

Where stationed

(Armed Forces only)

Have you ever been convicted of a crime of violence

(See § 11-47-2)

Have you ever been adjudicated or under confinement as addicted to a controlled substance

.....

Have you ever been adjudicated or under confinement for alcoholism

.....

Have you ever been confined or treated for mental illness

From whom is pistol or revolver being purchased

Seller's address

Seller's signature

Applicant's signature

(See § 11-47-23 for penalty for false information on this application)

(Reverse side of application form)

AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1 -- 11-47-55, inclusive, of the general laws of the State of Rhode Island and Providence Plantations, and that I am aware of the penalties for violation of the provisions of the cited sections. I further certify that I have completed the required basic pistol/revolver safety course.

1 Signed

2 (over)

3 County of

4 State of Rhode Island

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

6 Notary Public

7

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

1 purchases by retail dealers duly licensed under the provisions of § 11-47-39.

2 (b)(1) The department of environmental management shall establish the basic
3 pistol/revolver safety course required by this section. The safety course shall consist of not less
4 than two (2) hours of instruction in the safe use and handling of pistols and revolvers and the
5 course shall be available to buyers continually throughout the year at convenient times and places
6 but at least monthly at locations throughout the state, or more frequently as required. Proficiency
7 in the use of pistols or revolvers shall not be prerequisite to the issuance of the safety certificate.
8 No person shall be required to complete the course more than once; provided, that any person
9 completing the course who is unable to produce the safety certificate issued by the department of
10 environmental management shall be required to take the course again unless the person provides
11 evidence to the department that he or she has successfully completed the course.

12 (2) The administration of the basic pistol/revolver safety course required by this section
13 shall not exceed the cost of thirty-five thousand dollars (\$35,000) in any fiscal year.

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

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

24 (e) [Deleted by P.L. 2005, ch. 20, § 11 and P.L. 2005, ch. 27, § 11].

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

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

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

5 **11-47-35.2. Sale of rifles/shotguns.**

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

16 (Face of application form)

17 Application to Purchase Shotgun or Rifle

18 Date Hour A.M. P.M.
19 Name
20 Address
21 (Street and number) (City or town) (State)
22 Date of Birth Place of Birth
23 Height Weight Color hair
24 Color eyes
25 Scars
26 Tattoos
27 Other identifying marks
28 Are you a citizen of the United States
29 Are you a citizen of Rhode Island
30 How long
31 Where stationed
32 (Armed Forces only)
33 Have you ever been convicted of a crime of violence
34 (See § 11-47-2 General Laws of Rhode Island)

1 Have you ever been adjudicated or under confinement as addicted to a controlled substance
2
3 Have you ever been adjudicated or under confinement for alcoholism
4
5 Have you ever been confined or treated for mental illness
6 From whom is shotgun or rifle being purchased
7 Seller's address
8 Seller's signature
9 Applicant's signature

10 (See § 11-47-23 for penalty for false information on this application)

11 (Reverse side of application form)

12 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1
13 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence
14 Plantations, and that I am aware of the penalties for violation of the provisions of the cited
15 sections.

16 Signed
17 County of
18 State of Rhode Island

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

20 Notary Public
21

22 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign
23 and forward by registered mail or by delivery in person, or by electronic mail if approved by the
24 applicable police department, the original and duplicate copies of the application to ~~the~~
25 ~~superintendent of the Rhode Island state police or~~ the chief of police in the city or town in which
26 the ~~seller~~ purchaser has his or her residence or to the superintendent of the Rhode Island state
27 police in the instance where the purchaser either resides in the town of Exeter or resides out of
28 state place of business. The superintendent of the Rhode Island state police or the chief of police
29 in the city or town in which the ~~person~~ purchaser has his or her residence ~~or place of business~~
30 shall mark or stamp the original copy of the application form with the date and time of receipt and
31 return it by the most expeditious means to the seller. The triplicate copy duly signed by the seller
32 shall within seven (7) days be sent by him or her by registered mail, by delivery in person, or by
33 electronic mail, to the attorney general. The person who is selling the rifle or shotgun shall retain
34 the original copy duly received by the police authority to whom sent or delivered for a period of

1 six (6) years with other records of the sale. It shall be the duty of the police authority to whom the
2 duplicate copy of the application form is sent or delivered to make a background check of the
3 applicant to ascertain whether he or she falls under the provisions of § 11-47-5, 11-47-6, 11-47-7,
4 or 11-47-23. If, after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day
5 following application, no disqualifying information has been received from the investigating
6 police authority by the person who is selling the rifle or shotgun, he or she will deliver the firearm
7 applied for to the ~~applicant~~ purchaser. Upon the finding of no disqualifying information under the
8 provisions of the above cited sections of this chapter, and in no case later than thirty (30) days
9 after the date of application, the duplicate and triplicate copies of the application will be
10 destroyed. Retention of the duplicate and triplicate copies in violation of this chapter or any
11 unauthorized use of the information contained in them by a person or agency shall be punishable
12 by a fine of not more than one thousand dollars (\$1,000). The provisions of this section shall not
13 apply to bona fide sales at wholesale to duly licensed retail dealers, nor to purchases by retail
14 dealers duly licensed under the provisions of § 11-47-39.

15 (c) The provisions of this section shall not apply to full-time members of the state police,
16 full-time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-
17 47-11, or to sales of air rifles or " BB guns" or to sales of antique firearms as defined in § 11-47-
18 2.

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

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

1 This act would provide that applications to purchase certain firearms be sent by the seller
2 of the firearm to the police department of the city or town in which the purchaser resides, or to the
3 state police if the purchaser resides in Exeter or in another state, and would provide for the use of
4 electronic mail in forwarding the application to the police department.

5 This act would take effect upon passage.

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