2020 -- S 2261

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2020

A N A C T
RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senators Goodwin, Quezada, Coyne, Goldin, and Crowley

Date Introduced: February 04, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

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 seven (7) days shall have elapsed from twelve o'clock (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 twenty-one (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 twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm, the purchaser shall: (i) complete and sign in triplicate and deliver to the person selling the pistol or revolver the application form described in this section, and in no case shall it contain the serial number of the pistol or revolver; and (ii) shall present to the person selling the pistol or revolver a pistol/revolver safety certificate issued by the department of environmental management. The certificate shall be retained in the possession of the buyer. The pistol/revolver safety certificate shall certify that the purchaser has completed a basic pistol/revolver safety course as shall be administered by the department of environmental management.
(Face of application form)

Application to Purchase Pistol or Revolver

Date ………………………………………… Hour …………………………………… A.M. P.M.

Name ………………………………………………………………………………………………

Address ………………………………………………………………………………………………

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

Date of Birth …………………………… Place of Birth ……………………………

Height ……………………………… Weight ……………… Color hair ……………………………

Color eyes ……………………………………………………………………………………………

Scars ………………………………………………………………………………………………

Tattoos ………………………………………………………………………………………………

Other identifying marks ……………………………………………………………………………

Are you a citizen of the United States ……………………………………………………………

Are you a citizen of Rhode Island ……………………………………………………………

How long ………………………………………………………………………………………………

Where stationed …………………………………………………………………………………

(Armed Forces only) …………………………………………………………………………………

Have you ever been convicted of a crime of violence ………………………………………

(See § 11-47-2)

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

Have you ever been adjudicated or under confinement for alcoholism ………………………

Have you ever been confined or treated for mental illness …………………………………

From whom is pistol or revolver being purchased ………………………………………

Seller’s address …………………………………………………………………………………

Seller’s signature …………………………………………………………………………………

Applicant’s signature ……………………………………………………………………………

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

(Reverse side of application form)

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

(over)

County of ....................................................................................................................................

State of Rhode Island

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

Notary Public

(2) The person selling the pistol or revolver shall on the date of application sign and forward by registered mail, or by delivery in person, or by electronic mail if approved by the applicable police department, the original and duplicate copies of the application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the person purchaser has his or her residence or to the superintendent of the Rhode Island state police in the instance where the purchaser resides in the town of Exeter or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the person purchaser has his or her residence or place of business shall mark or stamp the original copy of the application form with the date and the time of receipt and return it by the most expeditious means to the person who is selling the pistol or revolver. The triplicate copy duly signed by the person who is selling the pistol or revolver shall within seven (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 six (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 seven (7) days from twelve o’clock (12:00) noon of the day following application, no disqualifying information has been received from the investigating police authority by the person who is selling the pistol or revolver, he or she will deliver the firearm applied for to the applicant 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 thirty (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 one thousand dollars ($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 two (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.

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

(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.


(a) No person shall deliver a rifle or shotgun to a purchaser until seven (7) days shall have elapsed from twelve o’clock (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 eighteen (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 eighteen (18) years of age or older, may, upon application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase of a shotgun or rifle the purchaser shall complete and sign in triplicate and deliver to the seller the application form described in this section, and in no case shall it contain the serial number of the rifle or shotgun.

(Face of application form)

Application to Purchase Shotgun or Rifle

Date …………………………………… Hour ……………………………………… A.M. P.M.

Name ……………………………………………………………………………………………

Address ……………………………………………………………………………………………

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

Date of Birth …………………………… Place of Birth ……………………………

Height …………………………… Weight ……………… Color hair …………………

Color eyes ……………………………………………………………………………………………

Scars ……………………………………………………………………………………………

Tattoos ……………………………………………………………………………………………

Other identifying marks ………………………………………………………………………

Are you a citizen of the United States …………………………………………………

Are you a citizen of Rhode Island …………………………………………………

How long ……………………………………………………………………………………………

Where stationed ……………………………………………………………………………………………

(Armed Forces only) ……………………………………………………………………………………………

Have you ever been convicted of a crime of violence ……………………………

(See § 11-47-2 General Laws of Rhode Island)
Have you ever been adjudicated or under confinement as addicted to a controlled substance

Have you ever been adjudicated or under confinement for alcoholism

Have you ever been confined or treated for mental illness

From whom is shotgun or rifle being purchased

Seller's address

Seller's signature

Applicant's signature

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

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

Signed

County of

State of Rhode Island

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

Notary Public

(b) The person who is selling the rifle or shotgun shall, on the date of application, sign and forward by registered mail, or by delivery in person, or by electronic mail if approved by the applicable police department, the original and duplicate copies of the application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller purchaser has his or her residence or to the superintendent of the Rhode Island state police in the instance where the purchaser resides in the town of Exeter or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the person purchaser has his or her residence or place of business shall mark or stamp the original copy of the application form with the date and time of receipt and return it by the most expeditious means to the seller. The triplicate copy duly signed by the seller shall within seven (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 six (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 seven (7) days from twelve o'clock (12:00) noon of the day following application, no
disqualifying information has been received from the investigating police authority by the person
who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the applicant
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 thirty (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 one thousand dollars ($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 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N   A C T
RELATING TO CRIMINAL OFFENSES - WEAPONS

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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 of the firearms
3 has his or her residence and would provide for the use of electronic mail in the forwarding of the
4 application.

5 This act would take effect upon passage.

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