

**2020 -- H 7103 SUBSTITUTE A AS AMENDED**

=====  
LC003663/SUB A/2  
=====

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2020**

—————  
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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

(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 and the chief of police in the city or town in  
12 which the ~~person~~ purchaser has his or her residence or to the superintendent of the Rhode Island  
13 state police in the instance where the purchaser either resides in the town of Exeter or resides out  
14 of state ~~place of business~~. The superintendent of the Rhode Island state police or the chief of  
15 police in the city or town in which the ~~person~~ purchaser has his or her residence ~~or place of~~  
16 ~~business~~ shall mark or stamp the original copy of the application form with the date and the time  
17 of receipt and return it by the most expeditious means to the person who is selling the pistol or  
18 revolver. The triplicate copy duly signed by the person who is selling the pistol or revolver shall  
19 within seven (7) days be sent by him or her by registered mail, by delivery in person, or by  
20 electronic mail to the attorney general. The person who is selling the pistol or revolver shall retain  
21 the original copy duly received by the police authority to whom sent or delivered for a period of  
22 six (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 and the chief of police in the city or town in  
26 which the ~~seller~~ purchaser has his or her residence or to the superintendent of the Rhode Island  
27 state police in the instance where the purchaser either resides in the town of Exeter or resides out  
28 of state ~~place-of-business~~. The superintendent of the Rhode Island state police or the chief of  
29 police in the city or town in which the ~~person~~ purchaser has his or her residence ~~or place-of~~  
30 ~~business~~ shall mark or stamp the original copy of the application form with the date and time of  
31 receipt and return it by the most expeditious means to the seller. The triplicate copy duly signed  
32 by the seller shall within seven (7) days be sent by him or her by registered mail, by delivery in  
33 person, or by electronic mail, to the attorney general. The person who is selling the rifle or  
34 shotgun shall retain the original copy duly received by the police authority to whom sent or

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

=====  
LC003663/SUB A/2  
=====

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.

=====  
LC003663/SUB A/2  
=====