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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Finn, Ajello, Cimini, and Blazejewski

Date Introduced: February 14, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-41 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is hereby repealed.

3 ~~**11-47-41. Government firearm registration prohibited.** -- No government agency of
4 this state or its political subdivisions shall keep or cause to be kept any list or register of privately
5 owned firearms or any list or register of the owners of those firearms; provided, that the
6 provisions of this section shall not apply to firearms which have been used in committing any
7 crime of violence, nor to any person who has been convicted of a crime of violence.~~

8 SECTION 2. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
9 by adding thereto the following section:

10 **11-47-63. Firearm registration required.** -- (a) No person shall carry, or otherwise
11 possess, a firearm without first registering that firearm with the licensing authority of any city or
12 town.

13 (1) Registration shall be made in the form to be prescribed by the attorney general and
14 shall include the name, address, fingerprint, and signature of the registree.

15 (2) Information provided pursuant to this section shall not be disclosed to any individual
16 or entity; provided, however, that such information will be disclosed to law enforcement
17 organizations and personnel when that information is sought for legitimate law enforcement
18 purposes.

19 (3) A fee of one hundred dollars (\$100) shall be charged and paid for each registration.

1 **(b) Every person violating the provisions of subsection (a) of this section shall, upon**
2 **conviction, be punished by imprisonment for not more than three (3) years, or by a fine up to**
3 **three thousand dollars (\$3,000), or both.**

4 SECTION 3. Sections 11-47-35 and 11-47-35.2 of the General Laws in Chapter 11-47
5 entitled "Weapons" are hereby amended to read as follows:

6 **11-47-35. Sale of concealable weapons -- Safety courses and tests -- Review board --**

7 **Issuance of permits to certain government officers. --** (a) (1) No person shall deliver a pistol

8 or revolver to a purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00)

9 noon of the day following the day of application for the purchase, and when delivered, the pistol

10 or revolver shall be unloaded and securely wrapped, equipped with a safety device designed to

11 prevent the unintended discharge or discharge by unauthorized users, with the bill of sale to be

12 enclosed within the wrapper with the pistol or revolver. Any citizen of the United States and/or

13 lawful resident of this state who is twenty-one (21) years of age or older, and any nonresident

14 member of the armed forces of the United States who is stationed in this state and who is twenty-

15 one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At

16 the time of applying for the purchase of a concealable firearm, the purchaser shall: (i) complete

17 and sign in triplicate and deliver to the person selling the pistol or revolver the application form

18 described in this section, and in no case shall it contain the serial number of the pistol or revolver;

19 and (ii) shall present to the person selling the pistol or revolver a pistol/revolver safety certificate

20 issued by the department of environmental management. The certificate shall be retained in the

21 possession of the buyer. The pistol/revolver safety certificate shall certify that the purchaser has

22 completed a basic pistol/revolver safety course as shall be administered by the department of

23 environmental management.

24 (Face of application form)

25 Application to Purchase Pistol or Revolver

26 Date Hour A.M. P.M.

27 Name

28 Address

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

30 Date of Birth Place of Birth

31 Height Weight Color hair

32 Color eyes

33 Scars

34 Tattoos

1 Other identifying marks

2 Are you a citizen of the United States

3 Are you a citizen of Rhode Island

4 How long

5 Where stationed

6 (Armed Forces only)

7 Have you ever been convicted of a crime of violence

8 (See section 11-47-2)

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

11 Have you ever been adjudicated or under confinement for alcoholism

12 Have you ever been confined or treated for mental illness

13 From whom is pistol or revolver being purchased

14 Seller's address

15 Seller's signature

16 Applicant's signature

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

18 (Reverse side of application form)

19 AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections
20 11-47-1 - 11-47-55, inclusive, of the general laws of the State of Rhode Island and Providence
21 Plantations, and that I am aware of the penalties for violation of the provisions of the cited
22 sections. I further certify that I have completed the required basic pistol/revolver safety course.

23 Signed

24 (over)

25 County of

26 State of Rhode Island

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

28 Notary Public

29 (2) The person selling the pistol or revolver shall on the date of application sign and
30 forward by registered mail or by delivery in person the original and duplicate copies of the
31 application to the superintendent of the Rhode Island state police or the chief of police in the city
32 or town in which the person has his or her residence or place of business. The superintendent of
33 the Rhode Island state police or the chief of police in the city or town in which the person has his
34 or her residence or place of business shall mark or stamp the original copy of the application form

1 with the date and the time of receipt and return it by the most expeditious means to the person
2 who is selling the pistol or revolver. The triplicate copy duly signed by the person who is selling
3 the pistol or revolver shall within seven (7) days be sent by him or her by registered mail to the
4 attorney general. The person who is selling the pistol or revolver shall retain the original copy
5 duly received by the police authority to whom sent or delivered for a period of six (6) years with
6 other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of
7 the application form is sent or delivered to make a background check of the applicant to ascertain
8 whether he or she falls under the provisions of section 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If,
9 after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following
10 application, no disqualifying information has been received from the investigating police
11 authority by the person who is selling the pistol or revolver, he or she will deliver the firearm
12 applied for to the applicant. Upon the finding of no disqualifying information under the
13 provisions of the above cited sections of this chapter, ~~and in no case later than thirty (30) days~~
14 ~~after the date of application,~~ the duplicate and triplicate copies of the application shall be retained
15 and maintained by the superintendent of the Rhode Island state police or the chief of police in the
16 city or town in which the applicant has his or her residence or place of business. Information
17 retained and maintained pursuant to this subsection shall not be disclosed to any individual or
18 entity; provided, however, that such information will be disclosed to law enforcement
19 organizations and personnel when that information is sought for legitimate law enforcement
20 purposes. ~~will be destroyed. Retention of the duplicate and triplicate copies in violation of this~~
21 ~~section or any unauthorized use of the information contained in the copies by a person or agency~~
22 ~~shall be punishable by a fine of not more than one thousand dollars (\$1,000).~~ The provisions of
23 this section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to
24 purchases by retail dealers duly licensed under the provisions of section 11-47-39.

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

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

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

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

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

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

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

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

28 **11-47-35.2. Sale of rifles/shotguns.** -- (a) No person shall deliver a rifle or shotgun to a
29 purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00) noon of the day
30 following the day of application for the purchase, and when delivered, the rifle or shotgun shall
31 be unloaded and securely wrapped, [equipped with a safety device designed to prevent the](#)
32 [unintended discharge or discharge by unauthorized users](#), with the bill of sale for it to be enclosed
33 within the wrapper with the rifle or shotgun. Any citizen of the United States and/or lawful
34 resident of this state who is eighteen (18) years of age or older, and any non-resident member of

1 the armed forces of the United States who is stationed in this state and who is eighteen (18) years
2 of age or older, may, upon application, purchase or acquire a rifle or shotgun. At the time of
3 applying for the purchase of a shotgun or rifle the purchaser shall complete and sign in triplicate
4 and deliver to the seller the application form described in this section, and in no case shall it
5 contain the serial number of the rifle or shotgun.

6 (Face of application form)

7 Application to Purchase Shotgun or Rifle

8 Date Hour A.M. P.M.

9 Name

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

11 Date of Birth Place of Birth

12 Height Weight Color hair

13 Color eyes

14 Scars

15 Tattoos Other identifying marks

16 Are you a citizen of the United States

17 Are you a citizen of Rhode Island

18 How long

19 Where stationed

20 (Armed Forces only)

21 Have you ever been convicted of a crime of violence

22 (See section 11-47-2 General Laws of Rhode Island)

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

25 Have you ever been adjudicated or under confinement for alcoholism

26 Have you ever been confined or treated for mental illness

27 From whom is shotgun or rifle being purchased

28 Seller's address

29 Seller's signature

30 Applicant's signature

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

32 (Reverse side of application form)

33 AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections
34 11-47-1 - 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence

1 Plantations, and that I am aware of the penalties for violation of the provisions of the cited
2 sections.

3 Signed

4 County of

5 State of Rhode Island

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

7 Notary Public

8 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign
9 and forward by registered mail or by delivery in person, the original and duplicate copies of the
10 application to the superintendent of the Rhode Island state police or the chief of police in the city
11 or town in which the seller has his or her residence or place of business. The superintendent of the
12 Rhode Island state police or the chief of police in the city or town in which the person has his or
13 her residence or place of business shall mark or stamp the original copy of the application form
14 with the date and time of receipt and return it by the most expeditious means to the seller. The
15 triplicate copy duly signed by the seller shall within seven (7) days be sent by him or her by
16 registered mail to the attorney general. The person shall retain the original copy duly received by
17 the police authority to whom sent or delivered for a period of six (6) years with other records of
18 the sale. It shall be the duty of the police authority to whom the duplicate copy of the application
19 form is sent or delivered to make a background check of the applicant to ascertain whether he or
20 she falls under the provisions of section 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse
21 of seven (7) days from twelve o'clock (12:00) noon of the day following application, no
22 disqualifying information has been received from the investigating police authority by the person
23 who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the applicant.
24 Upon the finding of no disqualifying information under the provisions of the above cited sections
25 of this chapter, ~~and in no case later than thirty (30) days after the date of application,~~ the duplicate
26 and triplicate copies of the application shall be retained and maintained by the superintendent of
27 the Rhode Island state police or the chief of police in the city or town in which the applicant has
28 his or her residence or place of business. Information retained and maintained pursuant to this
29 subsection shall not be disclosed to any individual or entity; provided however, that such
30 information will be disclosed to law enforcement organizations and personnel when that
31 information is sought for legitimate law enforcement purposes. ~~will be destroyed. Retention of~~
32 ~~the duplicate and triplicate copies in violation of this chapter or any unauthorized use of the~~
33 ~~information contained in them by a person or agency shall be punishable by a fine of not more~~
34 ~~than one thousand dollars (\$1,000).~~ The provisions of this section shall not apply to bona fide

1 sales at wholesale to duly licensed retail dealers, nor to purchases by retail dealers duly licensed
2 under the provisions of section 11-47-39.

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

7 SECTION 4. 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 require possessors of firearms to register those firearms with their local
2 licensing authority, require that information provided in support of firearms applications be
3 retained and maintained rather than destroyed, and require that all registered firearms be equipped
4 with a safety device.

5 This act would take effect upon passage.

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