

2013 -- H 5687

=====
LC01325
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Chippendale, Costa, Nunes, Bennett, and Jacquard

Date Introduced: February 27, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-35 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is 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. --** (a) (1) No person shall deliver a pistol
5 or revolver to a purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00)
6 noon of the day following the day of application for the purchase, and when delivered, the pistol
7 or revolver shall be unloaded and securely wrapped, with the bill of sale to be enclosed within the
8 wrapper with the pistol or revolver. Any citizen of the United States and/or lawful resident of this
9 state who is twenty-one (21) years of age or older, and any nonresident member of the armed
10 forces of the United States who is stationed in this state and who is twenty-one (21) years of age
11 or older, may upon application purchase or acquire a pistol or revolver. At the time of applying
12 for the purchase of a concealable firearm, the purchaser shall: (i) complete and sign in triplicate
13 and deliver to the person selling the pistol or revolver the application form described in this
14 section, and in no case shall it contain the serial number of the pistol or revolver; and (ii) shall
15 present to the person selling the pistol or revolver a pistol/revolver safety certificate issued by the
16 department of environmental management. The certificate shall be retained in the possession of
17 the buyer. The pistol/revolver safety certificate shall certify that the purchaser has completed a
18 basic pistol/revolver safety course as shall be administered by the department of environmental
19 management.

- 1 (Face of application form)
- 2 Application to Purchase Pistol or Revolver
- 3 Date Hour A.M. P.M.
- 4 Name
- 5 Address
- 6 (Street and number) (City or town) (State)
- 7 Date of Birth Place of Birth
- 8 Height Weight Color hair
- 9 Color eyes
- 10 Scars
- 11 Tattoos
- 12 Other identifying marks
- 13 Are you a citizen of the United States
- 14 Are you a citizen of Rhode Island
- 15 How long
- 16 Where stationed
- 17 (Armed Forces only)
- 18 Have you ever been convicted of a crime of violence
- 19 (See section 11-47-2)
- 20 Have you ever been adjudicated or under confinement as addicted to a controlled
- 21 substance
- 22 Have you ever been adjudicated or under confinement for alcoholism
- 23 Have you ever been confined or treated for mental illness
- 24 From whom is pistol or revolver being purchased
- 25 Seller's address
- 26 Seller's signature
- 27 Applicant's signature
- 28 (See section 11-47-23 for penalty for false information on this application)
- 29 (Reverse side of application form)
- 30 AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections 11-47-1 -
- 31 11-47-55, inclusive, of the general laws of the State of Rhode Island and Providence Plantations,
- 32 and that I am aware of the penalties for violation of the provisions of the cited sections. I further
- 33 certify that I have completed the required basic pistol/revolver safety course.
- 34 Signed

1 (over)
2 County of
3 State of Rhode Island
4 Subscribed and sworn before me this.... day of.... A.D. 20..
5 Notary Public

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

31 (b) (1) The department of environmental management shall establish the basic
32 pistol/revolver safety course required by this section. The safety course shall consist of not less
33 than two (2) hours of instruction in the safe use and handling of pistols and revolvers and the
34 course shall be available to buyers continually throughout the year at convenient times and places

1 but at least monthly at locations throughout the state, or more frequently as required. Proficiency
2 in the use of pistols or revolvers shall not be prerequisite to the issuance of the safety certificate.
3 No person shall be required to complete the course more than once; provided, that any person
4 completing the course who is unable to produce the safety certificate issued by the department of
5 environmental management shall be required to take the course again unless the person provides
6 evidence to the department that he or she has successfully completed the course.

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

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

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

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

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

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

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

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

=====
LC01325
=====

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

1 This would make changes to the records kept in association with applications to carry
2 firearms.

3 This act would take effect upon passage.

=====
LC01325
=====