

**2020 -- H 7103 SUBSTITUTE B**

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LC003663/SUB B  
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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--THE JULIE LYNN CARDINAL ACT

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. This act shall be known and may be cited as the "Julie Lynn Cardinal Act."

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

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

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

1 environmental management.

2 (Face of application form)

3 Application to Purchase Pistol or Revolver

4 Date ..... Hour ..... A.M. P.M.

5 Name .....

6 Address .....

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

8 Date of Birth ..... Place of Birth .....

9 Height ..... Weight ..... Color hair .....

10 Color eyes .....

11 Scars .....

12 Tattoos .....

13 Other identifying marks .....

14 Are you a citizen of the United States .....

15 Are you a citizen of Rhode Island .....

16 How long .....

17 Where stationed .....

18 (Armed Forces only) .....

19 Have you ever been convicted of a crime of violence .....

20 (See § 11-47-2)

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

22 .....

23 Have you ever been adjudicated or under confinement for alcoholism .....

24 .....

25 Have you ever been confined or treated for mental illness .....

26 From whom is pistol or revolver being purchased .....

27 Seller's address .....

28 Seller's signature .....

29 Applicant's signature .....

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

31 (Reverse side of application form)

32 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1

33 -- 11-47-55, inclusive, of the general laws of the State of Rhode Island and Providence Plantations,

34 and that I am aware of the penalties for violation of the provisions of the cited sections. I further

1 certify that I have completed the required basic pistol/revolver safety course.

2 Signed .....

3 (over)

4 County of .....

5 State of Rhode Island

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

7 Notary Public

8 .....

9 (2) The person selling the pistol or revolver shall on the date of application sign and forward

10 by registered mail, ~~or~~ by delivery in person, or by electronic mail if approved by the applicable

11 police department, the original and duplicate copies of the application to the superintendent of the

12 Rhode Island state police ~~or~~ and the chief of police in the city or town in which the ~~person~~ purchaser

13 has his or her residence or to the superintendent of the Rhode Island state police in the instance

14 where the purchaser either resides in the town of Exeter or resides out of state ~~place of business~~.

15 The superintendent of the Rhode Island state police or the chief of police in the city or town in

16 which the ~~person~~ purchaser has his or her residence ~~or place of business~~ shall mark or stamp the

17 original copy of the application form with the date and the time of receipt and return it by the most

18 expeditious means to the person who is selling the pistol or revolver. The triplicate copy duly signed

19 by the person who is selling the pistol or revolver shall within seven (7) days be sent by him or her

20 by registered mail, by delivery in person, or by electronic mail to the attorney general. The person

21 who is selling the pistol or revolver shall retain the original copy duly receipted by the police

22 authority to whom sent or delivered for a period of six (6) years with other records of the sale. It

23 shall be the duty of the police authority to whom the duplicate copy of the application form is sent

24 or delivered to make a background check of the applicant to ascertain whether he or she falls under

25 the provisions of § 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse of seven (7) days

26 from twelve o'clock (12:00) noon of the day following application, no disqualifying information

27 has been received from the investigating police authority by the person who is selling the pistol or

28 revolver, he or she will deliver the firearm applied for to the ~~applicant~~ purchaser. Upon the finding

29 of no disqualifying information under the provisions of the above cited sections of this chapter, and

30 in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies

31 of the application will be destroyed. Retention of the duplicate and triplicate copies in violation of

32 this section or any unauthorized use of the information contained in the copies by a person or

33 agency shall be punishable by a fine of not more than one thousand dollars (\$1,000). The provisions

34 of this 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 course  
5 shall be available to buyers continually throughout the year at convenient times and places but at  
6 least monthly at locations throughout the state, or more frequently as required. Proficiency in the  
7 use of pistols or revolvers shall not be prerequisite to the issuance of the safety certificate. No  
8 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 safety  
15 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 handgun  
17 safety course may apply by any written means to the department of environmental management to  
18 take an objective test on the subject of matter of the handgun safety course. The test shall be  
19 prepared, as well as an instruction manual upon which the test shall be based, by the department.  
20 The manual shall be made available by any means to the applicant who may, within the time limits  
21 for application, take the objective test at the department or at any location where the handgun safety  
22 course is being given. Any person receiving a passing grade on the test shall be issued a  
23 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 the  
29 United States government authorized by law to carry a concealed firearm and, at the discretion of  
30 the department of environmental management, any person who can satisfactorily establish that he  
31 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 Guard  
33 on active duty shall not be required to obtain a basic pistol/revolver safety certificate or basic  
34 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 Island  
3 National Guard, shall not be required to obtain a basic pistol/revolver safety certificate under this  
4 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 have  
7 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 the  
10 United States and/or lawful resident of this state who is eighteen (18) years of age or older, and any  
11 non-resident member of the armed forces of the United States who is stationed in this state and who  
12 is eighteen (18) years of age or older, may, upon application, purchase or acquire a rifle or shotgun.  
13 At the time of applying for the purchase of a shotgun or rifle the purchaser shall complete and sign  
14 in triplicate and deliver to the seller the application form described in this section, and in no case  
15 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 Plantations,  
14 and that I am aware of the penalties for violation of the provisions of the cited sections.

15 Signed .....

16 County of .....

17 State of Rhode Island

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

19 Notary Public

20 .....

21 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign and  
22 forward by registered mail or by delivery in person, or by electronic mail if approved by the  
23 applicable police department, the original and duplicate copies of the application to the  
24 superintendent of the Rhode Island state police ~~or~~ and the chief of police in the city or town in  
25 which the ~~seller~~ purchaser has his or her residence or to the superintendent of the Rhode Island  
26 state police in the instance where the purchaser either resides in the town of Exeter or resides out  
27 of state place of business. The superintendent of the Rhode Island state police or the chief of police  
28 in the city or town in which the ~~person~~ purchaser has his or her residence ~~or place of business~~ shall  
29 mark or stamp the original copy of the application form with the date and time of receipt and return  
30 it by the most expeditious means to the seller. The triplicate copy duly signed by the seller shall  
31 within seven (7) days be sent by him or her by registered mail, by delivery in person, or by  
32 electronic mail, to the attorney general. The person who is selling the rifle or shotgun shall retain  
33 the original copy duly received by the police authority to whom sent or delivered for a period of  
34 six (6) years with other records of the sale. It shall be the duty of the police authority to whom the

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

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

17 SECTION 3. 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--THE JULIE LYNN CARDINAL ACT

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

6           This act would take effect upon passage.

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