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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

Introduced By: Representatives Williams, and Millea

Date Introduced: February 26, 2020

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.**

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.

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(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. [I](#)

1 further certify that I consent to the release of medical information from my primary medical  
2 provider and authorize the release of such information to the firearms dealer to which this  
3 application has been submitted. The attached medical authorization/release shall be made part of,  
4 and incorporated in this application for the purchase of a firearm.

5 Signed .....

6 (over)

7 County of .....

8 State of Rhode Island

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

10 Notary Public

11 .....

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

1 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of §  
2 11-47-39. The person selling the firearm shall also require that the purchaser execute a medical  
3 authorization/release form as approved by the general assembly and made part of this section, for  
4 release of medical records relating to the purchaser's addiction to any controlled substance,  
5 alcoholism and/or mental health illness for a period of five (5) years preceding the application for  
6 the purchase of a firearm.

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

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

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

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

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

30 (f) The following persons shall be issued basic pistol/revolver permits by the department  
31 of environmental management: sheriffs, deputy sheriffs, the superintendent and members of the  
32 state police, prison or jail wardens or their deputies, members of the city or town police force,  
33 members of the park police, conservation officers, members of the airport police and officers of  
34 the United States government authorized by law to carry a concealed firearm and, at the

1 discretion of the department of environmental management, any person who can satisfactorily  
2 establish that he or she formerly held one of these offices or were so authorized.

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

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

10 (i) A medical release form authorizing a firearms dealer to obtain medical information as  
11 required in subsection (a)(2) of this section shall be in a form as follows:

12 HIPAA AUTHORIZATION FOR DISCLOSURE  
13 OF HEALTH INFORMATION

14 This form complies with the Health Insurance Portability and Accountability Act of 1996  
15 (HIPAA) Privacy Standards.

16 Print Name of Patient: \_\_\_\_\_

17 Date of Birth: \_\_\_\_\_ SSN: \_\_\_\_\_

18 I. My Authorization

19 I authorize:

20 Name of medical care provider: \_\_\_\_\_

21 to disclose the following health information.

22 My health information relating to the following treatment or condition: any treatment for  
23 addiction to a controlled substance, alcoholism and/or mental health illness for the past five (5)  
24 years, beginning with the effective date of this authorization.

25 The above party may disclose this health information to the following recipient:

26 Name (or title) and organization \_\_\_\_\_

27 Address \_\_\_\_\_

28 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

29 Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

30 The purpose of this authorization is limited to a background check for the purchase of a  
31 firearm and shall not otherwise be disclosed without express written permission from the named  
32 patient.

33 This authorization ends one month from the date of the effective date.

34 II. My Rights

1           I understand that I have the right to revoke this authorization, in writing, at any time,  
2 except where uses or disclosures have already been made based upon my original permission. In  
3 order to revoke this authorization prior to one month's time, I must do so in writing and send it to  
4 the appropriate disclosing party.

5           I understand that uses and disclosures already made based upon my original permission  
6 cannot be taken back.

7           I will receive a copy of this authorization after I have signed it. A copy of this  
8 authorization is as valid as the original.

9           Signature of Patient: \_\_\_\_\_

10          Date: \_\_\_\_\_

11          SECTION 2. 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

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1           This act would require any person selling a firearm to require that the purchaser execute a  
2 medical authorization/release form, as approved by the general assembly and made part of this  
3 section, for release of medical records relating to the purchaser's addiction to any controlled  
4 substance, alcoholism and/or mental health illness for a period of five (5) years preceding the  
5 application for the purchase of a firearm.

6           This act would take effect upon passage.

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