

2021 -- H 5386

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Knight, Caldwell, Craven, McEntee, Speakman,
Blazejewski, Carson, Amore, Kazarian, and Williams

Date Introduced: February 05, 2021

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-23, 11-47-35 and 11-47-35.2 of the General Laws in Chapter
2 11-47 entitled "Weapons" are hereby amended to read as follows:

3 **11-47-23. ~~False information in securing firearm or license.~~ False information in**
4 **securing firearm or license - Straw purchases.**

5 (a) No person shall, in purchasing or otherwise securing delivery of a shotgun, rifle, pistol,
6 or revolver, or in applying for a license or permit to carry it, give false information or offer false
7 evidence of his or her identity. ~~Violation of the provisions of this section may be punished by a fine~~
8 ~~of not more than five thousand dollars (\$5,000), imprisonment for not more than five (5) years, or~~
9 ~~both.~~

10 (b) No person shall knowingly purchase or otherwise obtain a shotgun, rifle, pistol, or
11 revolver on behalf of another person, or transfer a shotgun, rifle, pistol, or revolver to another
12 person, whom the transferor knows or reasonably should know is prohibited from possessing a
13 firearm under federal or state law.

14 (c) A first violation of the provisions of this section may be punished by a fine of not more
15 than five thousand dollars (\$5,000), imprisonment for not more than five (5) years, or both. A
16 second or subsequent violation of the provisions of this section may be punished by a fine of not
17 more than ten thousand dollars (\$10,000), imprisonment for not more than ten (10) years, or both.

18 **11-47-35. Sale of concealable weapons -- Safety courses and tests -- Review board**
19 **Issuance of permits to certain government officers.**

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

16 (Face of application form)

17 Application to Purchase Pistol or Revolver

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 Number of pistols and/or revolvers to be purchased.....
34 Have you ever been convicted of a crime of violence

1 (See § 11-47-2)
2 Have you ever been adjudicated or under confinement as addicted to a controlled substance
3
4 Have you ever been adjudicated or under confinement for alcoholism
5
6 Have you ever been confined or treated for mental illness
7 From whom is pistol or revolver being purchased
8 Seller's address
9 Seller's signature
10 Applicant's signature

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

12 (Reverse side of application form)

13 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1
14 -- 11-47-55, inclusive, of the general laws of the State of Rhode Island and Providence Plantations,
15 and that I am aware of the penalties for violation of the provisions of the cited sections. I further
16 certify that I have completed the required basic pistol/revolver safety course.

17 Signed

18 (over)

19 County of

20 State of Rhode Island

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

22 Notary Public

23

24 (2) The person selling the pistol or revolver shall on the date of application sign and forward
25 by registered mail, by delivery in person, or by electronic mail if approved by the applicable police
26 department, the original and duplicate copies of the application to the chief of police in the city or
27 town in which the purchaser has his or her residence or to the superintendent of the Rhode Island
28 state police in the instance where the purchaser either resides in the town of Exeter or resides out
29 of state. The superintendent of the Rhode Island state police or the chief of police in the city or
30 town in which the purchaser has his or her residence shall mark or stamp the original copy of the
31 application form with the date and the time of receipt and return it by the most expeditious means
32 to the person who is selling the pistol or revolver. The triplicate copy duly signed by the person
33 who is selling the pistol or revolver shall within seven (7) days be sent by him or her by registered
34 mail, by delivery in person, or by electronic mail to the attorney general. The person who is selling

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

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

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

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

30 (d) Any person who has reason to believe that he or she does not need the required handgun
31 safety course may apply by any written means to the department of environmental management to
32 take an objective test on the subject of matter of the handgun safety course. The test shall be
33 prepared, as well as an instruction manual upon which the test shall be based, by the department.
34 The manual shall be made available by any means to the applicant who may, within the time limits

1 for application, take the objective test at the department or at any location where the handgun safety
2 course is being given. Any person receiving a passing grade on the test shall be issued a
3 pistol/revolver safety certificate by the department.

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

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

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

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

19 **11-47-35.2. Sale of rifles/shotguns.**

20 (a) No person shall deliver a rifle or shotgun to a purchaser until seven (7) days shall have
21 elapsed from twelve o'clock (12:00) noon of the day following the day of application for the
22 purchase, and when delivered, the rifle or shotgun shall be unloaded and securely wrapped, with
23 the bill of sale for it to be enclosed within the wrapper with the rifle or shotgun. Any citizen of the
24 United States and/or lawful resident of this state who is eighteen (18) years of age or older, and any
25 non-resident member of the armed forces of the United States who is stationed in this state and who
26 is eighteen (18) years of age or older, may, upon application, purchase or acquire a rifle or shotgun.
27 At the time of applying for the purchase of a shotgun or rifle the purchaser shall complete and sign
28 in triplicate and deliver to the seller the application form described in this section, and in no case
29 shall it contain the serial number of the rifle or shotgun.

30 (Face of application form)

31 Application to Purchase Shotgun or Rifle

32 Date Hour A.M. P.M.

33 Name

34 Address

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(b) The person who is selling the rifle or shotgun shall, on the date of application, sign and forward by registered mail or by delivery in person, or by electronic mail if approved by the applicable police department, the original and duplicate copies of the application to the chief of police in the city or town in which the purchaser has his or her residence or to the superintendent of the Rhode Island state police in the instance where the purchaser either resides in the town of Exeter or resides out of state. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the purchaser has his or her residence shall mark or stamp the original copy of the application form with the date and time of receipt and return it by the most expeditious means to the seller. The triplicate copy duly signed by the seller shall within seven (7) days be sent by him or her by registered mail, by delivery in person, or by electronic mail, to the attorney general. The person who is selling the rifle or shotgun shall retain the original copy duly receipted by the police authority to whom sent or delivered for a period of six (6) years with other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the application form is sent or delivered to make a background check of the applicant to ascertain whether he or she falls under the provisions of § 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 (12:00) noon of the day following application, no disqualifying information has been received from the investigating police authority by the person who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the purchaser. Upon the finding of no disqualifying information under the provisions of the above cited sections of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate copies in violation of this chapter or any unauthorized use of the information contained in them by a person or agency shall be punishable by a fine of not more than one thousand dollars (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11-47-39.

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

1 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

1 This act would prohibit purchasing, transferring, or obtaining a firearm on behalf of another
2 person if that person is prohibited from possessing a firearm and increase the penalties for purchase
3 of firearms by use of false information. The act would also amend applications for the purchase of
4 pistols, revolvers, shotguns, and rifles to include the total number of pistols, revolvers, shotguns,
5 and rifles to be purchased by the applicant.

6 This act would take effect upon passage.

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