

RESOLUTION OF THE CITY COUNCIL

No. 107

Approved March 10, 2000

RESOLVED, That the Providence City Council hereby endorses and urges Passage by the General Assembly of House Bill 2000H-7810 relating to Criminal Offenses/Weapons.

IN CITY COUNCIL
MAR 3 2000
READ AND PASSED


PRES.

CLERK

APPROVED

MAR 10 2000


MAYOR

Councilman William

Rhode Island General Assembly Search Results

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STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2000

A N A C T

RELATING TO CRIMINAL OFFENSES --WEAPONS

Introduced By:Representatives Carpenter, Shavers, Flaherty, Sullivan and Cicilline
Date Introduced:February 3, 2000
Referred To:Committee on Judiciary

It is enacted by the General Assembly as follows:

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

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

(a) (1) No seller shall deliver a pistol or revolver to a purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the purchase, and when delivered, the pistol or revolver shall be unloaded and securely wrapped, with the bill of sale to be enclosed within the wrapper with the pistol or revolver. Any citizen of the United States and/or lawful resident of this state who is twenty-one (21) years of age or older, and

any nonresident member of the armed forces of the United States who is stationed in this state and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm, the purchaser shall: (A) complete and sign in triplicate and deliver to the seller the application form described below, and in no case shall it contain the serial number of the pistol or revolver; and (B) shall present to the seller a pistol/revolver safety certificate issued by the department of environmental management. The certificate shall be retained in the possession of the buyer. The pistol/revolver safety certificate shall certify that the purchaser has completed a basic pistol/revolver safety course as shall be administered by the department of environmental management.

(Face of application form) Application to Purchase Pistol or Revolver, Rifle or Shotgun

Date Hour A.M. P.M. Transaction No.

Name () Male () Female

Address

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

City/Town State Zip

Home Telephone Number

Date of Birth Place of Birth.....

Alien Registration Number

Height Weight Color hair

Color eyes

Scars

Tattoos

Other identifying marks

Rhode Island Drivers License/Identification Card Number

Are you a citizen of the United States

If not, citizen of what country?

How long have you resided in the United States?

Are you a citizen of Rhode Island

How long

How long have you resided in Rhode Island? years

Where stationed

(Armed Forces only)

Armed Forces only: Where Stationed?.....

Have you ever been convicted of a crime of violence felony?.....

(See section 11-47-2)

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

Are you presently under indictment or information in any court? Where?

Are you an unlawful user of , or addicted to marijuana, or any depressant, stimulant, or narcotic
drug, or any other controlled substance?

Have you ever been adjudicated or under confinement for alcoholism

Have you ever been adjudicated or confined or treated for mental illness incompetence?

Are you now subject to a court order restraining you from harassing, stalking or threatening an
intimate partner or child of such partner?

Have you ever been convicted of a misdemeanor involving domestic violence?

Total number of pistols, revolver, rifles and/or shotguns being purchased?
.....

From whom is pistol, or revolver, rifle or shotgun being purchased at this time?.....

Seller: Name/Corporation FFL#

Seller's address

Seller's phone number

Seller's signature

Applicant's signature

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

AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections 11-47-1 -
11-47-55 62, 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, if I'm purchasing a
pistol or revolver.

Signed

County of

State of Rhode Island Subscribed and sworn before me this day of A.D. 19 20. .

Notary Public

.....

(APPROVED) (DENIED) -- REASON FOR DENIAL:

DATE _____, CHIEF _____ POLICE DEPARTMENT _____

(2) The seller shall on the date of application, sign and forward by registered mail or by delivery in person, the original and duplicate copies of the application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller purchaser has his or her residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller purchaser has his or her residence or place of business shall mark or stamp the original copy of the application form with the date and the 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 to the attorney general. The seller 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 sections 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 seller, he or she will deliver the firearm applied for to the applicant. 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 act or any unauthorized use of the information contained therein 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 section 11-47-39.

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

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

(c) After January 1, 1980, proof of passage of the department of environmental management's basic hunter safety course will be equivalent to the pistol/revolver safety certificate mandated by this section.

(d) Any person who has reason to believe that he or she does not need the required handgun safety

course may, at any time after May 8, 1980, apply by any written means to the department of environmental management to take an objective test on the subject of matter of the handgun safety course. The test shall be prepared, as well as an instruction manual upon which the test shall be based, by the department. The manual shall be made available by any means to the applicant who may, within the time limits for application, take the objective test at the department or at any location where the handgun safety course is being given. Any person receiving a passing grade on the test shall be issued a pistol/revolver safety certificate by the department.

(e) (1) There is hereby established within the department of environmental management a review board which shall consist of five (5) members as follows: one member from the Rhode Island house of representatives to be appointed by the speaker, one member from the Rhode Island senate to be appointed by the majority leader, two (2) members who are residents of the state representing the public, to be appointed by the governor, one of whom shall be from the Rhode Island rifle and revolver association, and the director of the department of environmental management or his or her designee. The legislative members of the review board shall serve so long as they shall remain members of the house from which they were appointed and until their successors are duly appointed and qualified. The board members representing the public shall serve at the pleasure of the governor. Vacancies shall be filled in like manner as the original appointments.

(2) It shall be the duty of the review board to monitor and evaluate the development of the basic pistol/revolver safety course required by this section, to ensure compliance with the provisions of subsection (b) of this section, and to periodically make or recommend such changes in the safety course as the review board deems advisable, not inconsistent with the provisions of this section. It shall further be the duty of the review board to decide all appeals from any decisions of the department of environmental management rendered pursuant to its responsibilities as set forth in subsection (b) of this section.

(3) There shall be no civil liability incurred and no cause of action of any nature shall arise against any member of the review board or its agents, servants, or employees as a result of any decisions made by the board or for any action taken by the board or its members, agents, servants, or employees.

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

(g) Any person who is serving in the army, navy, air force, marine corps or coast guard on active duty shall not be required to obtain a basic pistol/revolver safety certificate or basic pistol/revolver permit under this section so long as he or she remains on such active duty.

(h) Any person who is serving in the active reserve components of the army, navy, air force, marine corps or coast guard, or any person in an active duty paid status in the Rhode Island national guard, shall not be required to obtain a basic pistol/revolver safety certificate under this section so long as he or she remains in active status.

(i) The provisions of this section that pertain to the application to purchase pistols, revolvers, rifles

or shotguns, shall not apply to full-time members of the state police or full-time members of any city or town police departments or to the sale of air pistols, air rifles, blank guns or "BB guns" or to the sale of antique firearms as defined in section 11-47-2.

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

(a) No seller shall deliver a rifle or shotgun to a purchaser thereof until seven (7) days shall have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the purchase, and when delivered, the rifle or shotgun shall be unloaded and securely wrapped, with the bill of sale therefor to be enclosed within the wrapper with the rifle or shotgun. Any citizen of the United States and/or lawful resident of this state who is eighteen (18) years of age or older, and any non-resident member of the armed forces of the United States who is stationed in this state and who is eighteen (18) years of age or older, may, upon application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase of a shotgun or rifle the purchaser shall complete and sign in triplicate and deliver to the seller the application form described below, in section 11-47-35 and in no case shall it contain the serial number of the rifle or shotgun.

(Face of application form)

Application to Purchase Pistol, Revolver, Shotgun or Rifle

Date Hour A.M. P.M. Transaction No.

Name () Male () Female

Address

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

City/Town State Zip

Home Telephone Number

Date of Birth Place of Birth

Alien Registration Number

Height Weight Color hair

Colored eyes

Scars

Tattoos

Other identifying marks

Rhode Island Drivers License/Identification Card Number

Are you a citizen of the United States?

If not, citizen of what country?

How long have you resided in the United States?

Are you a citizen of Rhode Island

How long

How long have you resided in Rhode Island? years

Where stationed

Armed Forces Only: Where stationed?

(Armed Forces only)

Have you ever been convicted of a felony?

Have you ever been convicted of a crime of violence

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

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

Are you presently under indictment or information in any court?..... Where?..... Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?.....

Have you ever been adjudicated or under confinement for alcoholism?

Have you ever been confined or treated for mental illness?

Are you now subject in a court order restraining you from harassing, stalking or threatening intimate partner or child of such partner?

Have you ever been convicted of a misdemeanor involving domestic violence?

Total number of pistols revolvers, rifles and/or shotguns being purchased?

From whom is pistol, revolver, shotgun or rifle being purchased at this time?.....

Seller: Name/Corporation FFL#

Seller's address

Seller's Phone Number

Seller's signature

Applicant's signature

(Over)

(Reverse side of application form)

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

AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections 11-47-1 - 11-47-59 62, 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 course if I am purchasing a pistol or revolver.

Signed

County of

State of Rhode Island Subscribed and sworn before me this day of A.D 19

Notary Public

.....

(b) The seller shall, on the date of application, sign and forward by registered mail or by delivery in person, the original and duplicate copies of the application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller purchaser has his or her residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller purchaser has his or her residence or place of business 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 to the attorney general. The seller 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 sections 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 seller, he or she will deliver the firearm applied for to the applicant. 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 therein 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 section 11-47-39.

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

SECTION 2. Section 11-47-35.1 of the General Laws in Chapter 11-47 entitled "Weapons" is hereby repealed in its entirety.

11-47-35.1. Persons exempt from section 11-47-35 -- The provisions of section 11-47-35 shall not apply to full-time members of the state police, or full-time members of the state marshal's office, or full-time members of city or town police departments, or state marshals or correctional officers or

persons licensed under section 11-47-11.

SECTION 3. This act shall take effect upon passage.

LC01012

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL OFFENSES --WEAPONS

This act would consolidate the applications for the purchase of firearms.

This act would take effect upon passage.

As always, your comments concerning this page are welcomed and appreciated.

Thank you for stopping by!