

RESOLUTION OF THE CITY COUNCIL

No. 233

Approved June 2, 2017

RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of House Bill 2017 H-5510 and Senate Bill 2017 S-0405, An Act Relating to Courts and Civil Procedure - Courts - Domestic Assault - Protect Rhode Island Families Act.

IN CITY COUNCIL

MAY 24 2017

READ AND PASSED

Sabrina Mats
PRES.

Lois L. Henson
CLERK

I HEREBY APPROVE.

[Signature]
Mayor
Date: 6/2/17

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- DOMESTIC ASSAULT -
PROTECT RHODE ISLAND FAMILIES ACT

Introduced By: Representatives Tanzi, Amore, Fogarty, Ruggiero, and Maldonado

Date Introduced: February 15, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-8.1-3 of the General Laws in Chapter 8-8.1 entitled "Domestic
2 Assault" is hereby amended to read as follows:

3 8-8.1-3. Protective orders -- Penalty -- Jurisdiction.

4 (a) A person suffering from domestic abuse may file a complaint in the district court
5 requesting any order which will protect her or him from the abuse, including but not limited to
6 the following:

7 (1) Ordering that the defendant be restrained and enjoined from contacting, assaulting,
8 molesting or otherwise interfering with the plaintiff at home, on the street, or elsewhere, whether
9 the defendant is an adult or minor;

10 (2) Ordering the defendant to vacate the household forthwith, unless the defendant holds
11 sole legal interest in the household;

12 (3) Upon motion by the plaintiff, his or her address shall be released only at the discretion
13 of the district court judge;

14 ~~(4)(b)~~ After notice to the respondent and after a hearing, the court, in addition to any
15 other restrictions, may shall, for any protective order issued or renewed on or after July 1, 2017,
16 order the defendant a person restrained under this section to surrender physical possession of all
17 firearms in his or her possession, care, custody or control, and shall further order a person
18 restrained under this section not to purchase or receive or attempt to purchase or receive any

1 firearms while the protective order is in effect.

2 ~~(b) Any individual who accepts physical possession of a firearm pursuant to this section~~
3 ~~is prohibited from returning any firearm to any defendant under a restraining order during the~~
4 ~~existence of the restraining order. Violation of this provision shall subject both the defendant and~~
5 ~~the individual responsible for the return of the firearm to the defendant, to being found in~~
6 ~~contempt of court.~~

7 (c) The district court shall provide a notice on all forms requesting a protective order that,
8 at the hearing for a protective order, the defendant a person restrained under this section shall
9 may be ordered pursuant to §11-47-5 to surrender possession or control of any firearms and not to
10 purchase or receive or attempt to purchase or receive any firearms while the for a period not to
11 exceed the duration of the restraining order is in effect.

12 (d) ~~If the defendant~~ a person restrained under this section is present in court at a duly
13 noticed hearing, the court ~~may~~, in addition to any other restrictions, shall for any protective order
14 issued or renewed on or after July 1, 2017, order the defendant a person restrained under this
15 section to physically surrender any firearm(s) in that person's immediate physical possession or
16 control, or subject to that person's immediate physical possession or control, within twenty-four
17 (24) hours of the order, by surrendering the possession of the firearm(s) to the control of any
18 individual not legally prohibited from possessing a firearm who is not related to the defendant by
19 blood, marriage, or relationship as defined by § 15-15-1(3), (4), or (5) of the Rhode Island general
20 laws, or by surrendering any firearm(s) to the Rhode Island state police or local police
21 department, or by surrendering the firearm(s) to a licensed gun dealer. If the defendant a person
22 restrained under this section is not present at the hearing, the defendant person restrained under
23 this order shall surrender the firearm(s) within forty-eight (48) hours after being served with the
24 order.

25 (e) A person ordered to surrender possession of any firearm(s) pursuant to this subsection
26 shall, within seventy-two (72) hours after being served with the order, either:

27 (1) File file with the court a receipt showing the firearm(s) was either physically
28 surrendered to the Rhode Island state police or local police department, or to a licensed gun
29 dealer, or

30 (2) Attest to the court that, at the time of the order, the person had no firearms in their
31 immediate physical possession or control or subject to their immediate physical possession or
32 control, and that the person, at the time of the attestation, has no firearms in their immediate
33 physical possession or control or subject to their immediate physical possession or control.

34 (f) ~~an individual not legally prohibited from possessing a firearm who is not related to the~~

1 defendant by blood, marriage, or relationship as defined by § 15-1(3), (4), or (5) or surrender
2 to a licensed gun dealer within seventy-two (72) hours after receiving the order. Any defendant
3 transporting a firearm to surrender in accordance with this section the above shall not be liable to
4 prosecution under § 11-47-8.

5 (g) Any firearm surrendered in accordance with this section to the Rhode Island state
6 police or local police department shall be returned to the person formerly restrained under this
7 section upon their request only if:

8 (1) The person formerly restrained under this section produces written documentation
9 issued by a court indicating that the restraining order issued pursuant to this section that
10 prohibited the person from purchasing, carrying, transporting or possessing firearms has expired
11 and has not been extended; and

12 (2) The person formerly restrained under this section is not otherwise prohibited from
13 possessing a firearm under state or federal law.

14 (h) The Rhode Island state police are authorized to develop rules and procedures
15 pertaining to the storage and return of firearms surrendered to the Rhode Island state police or
16 local police departments pursuant to this section. The Rhode Island state police may consult with
17 the Rhode Island Police Chiefs' Association in developing said rules and procedures.

18 (e)(i) Nothing in this section shall limit a defendant's right under existing law to petition
19 the court at a later date for modification of the order.

20 (f)(i) The prohibition against possessing a firearm(s) due solely to the existence of a
21 domestic violence restraining order issued under this section shall not apply with respect to sworn
22 peace officers as defined in § 12-7-21 and active members of military service including members
23 of the reserve components thereof, who are required by law or departmental policy to carry
24 departmental firearms while on duty or any person who is required by their employment to carry
25 a firearm in the performance of their duties. Any individual exempted pursuant to this exception
26 may possess a firearm only during the course of their employment. Any firearm required for
27 employment must be stored at the place of employment when not being possessed for
28 employment use; all other firearm(s) must be surrendered in accordance with § 8-8.1-3.

29 (g)(k) Any violation of the aforementioned protective order shall subject the defendant to
30 being found in contempt of court.

31 (h)(l) No order shall issue under this section which would have the effect of compelling a
32 defendant who has the sole legal interest in a residence to vacate that residence.

33 (i)(m) The contempt order shall not be exclusive and shall not preclude any other
34 available civil or criminal remedies. Any relief granted by the court shall be for a fixed period of

1 time not to exceed three (3) years, at the expiration of which time the court may extend any order
2 upon motion of the plaintiff for such additional time as it deems necessary to protect the plaintiff
3 from abuse. The court may modify its order at any time upon motion of either party.

4 ~~(j)(n)~~ Any violation of a protective order under this chapter of which the defendant has
5 actual notice shall be a misdemeanor which shall be punished by a fine of no more than one
6 thousand dollars (\$1,000) or by imprisonment for not more than one year, or both.

7 ~~(k)(o)~~ The penalties for violation of this section shall also include the penalties provided
8 under § 12-29-5.

9 ~~(l)(p)~~ "Actual notice" means that the defendant has received a copy of the order by
10 service thereof or by being handed a copy of the order by a police officer pursuant to § 8-8.1-5(d).

11 ~~(m)(q)~~ The district court shall have criminal jurisdiction over all violations of this
12 chapter.

13 SECTION 2. Section 11-47-5 of the General Laws in Chapter 11-47 entitled "Weapons"
14 is hereby amended to read as follows:

15 11-47-5. Possession of arms by person convicted of crime of violence or who is a
16 fugitive from justice.

17 (a) ~~No person who has been convicted in this state or elsewhere of a crime of violence or~~
18 ~~who is a fugitive from justice shall purchase, own, carry, transport, or have in his or her~~
19 ~~possession any firearm.~~

20 ~~(b) Notwithstanding the provisions of subsection (a) of this section, no if that person:~~

21 (1) Has been convicted in this state or elsewhere of a crime of violence;

22 (2) Has, in this state or elsewhere, entered a plea of nolo contendere to or been convicted
23 of an offense punishable as a felony offense under § 12-29-5 a misdemeanor that involves the use
24 or attempted use of force, or the threatened use of a dangerous weapon, against a family or
25 household member as defined in §12-29-2;

26 (3) Has entered a plea of nolo contendere to or been convicted of a misdemeanor for
27 violation of the provisions of a protective order entered pursuant to chapter 15 of title 15, chapter
28 8.1 of title 8, or §12-29-4, or an equivalent order in this state or elsewhere, where the respondent
29 had knowledge of the order and the penalty for its violation;

30 (4) Has entered a plea of nolo contendere to or been convicted of a misdemeanor for
31 cyber stalking and cyber harassment under §11-52-4.2; or

32 (5) Is a fugitive from justice.

33 (b) ~~No person shall purchase, own, carry, transport, or have in his or her possession any~~
34 ~~firearm, for a period of two (2) years following the date of that conviction. if that person is~~

1 subject to an order issued pursuant to chapter 15 of title 15, chapter 8.1 of title 8, or §12-29-4, or
2 an equivalent order in this state or elsewhere, which order was issued after the person restrained
3 has received notice of the proceedings and had an opportunity to be heard.

4 (c) No person who is in community confinement pursuant to the provisions of § 42-56-
5 20.2 or who is otherwise subject to electronic surveillance or monitoring devices as a condition of
6 parole shall purchase, carry, transport, or have in his or her possession any firearm. This
7 subsection shall not apply to any person who has not been convicted of (or pleaded guilty or nolo
8 contendere to) a crime of violence in a court of competent jurisdiction.

9 (d) Every person violating the provisions of this section shall, upon conviction, be
10 punished by imprisonment for not less than two (2) nor more than ten (10) years; and for
11 penalties provided in this section he or she shall not be afforded the benefit of suspension or
12 deferment of sentence nor of probation.

13 SECTION 3. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
14 by adding thereto the following section:

15 **11-47-5.4. Surrender of firearms after domestic violence offenses.**

16 (a) A plea of nolo contendere to, or a conviction for a misdemeanor that involves the use
17 or attempted use of force, or the threatened use of a dangerous weapon, committed against a
18 family or household member as defined in §12-29-2, a plea of nolo contendere to or a conviction
19 for a misdemeanor for violation of the provisions of a protective order entered pursuant to chapter
20 15 of title 15, chapter 8.1 of title 8, or §12-29-4, or an equivalent order in this state or elsewhere,
21 where the respondent had knowledge of the order and the penalty for its violation, or a plea of
22 nolo contendere to or convicted for a misdemeanor for cyber stalking and cyber harassment under
23 §11-52-4.2 shall prohibit the offender from purchasing, owning, carrying, transporting, or having
24 in their possession any firearm. Upon such a plea or conviction, the court shall order the offender
25 to surrender all firearms owned by the person or in the person's possession as described in this
26 section.

27 (1) Surrender shall be made within twenty-four (24) hours of prohibition to the Rhode
28 Island state police or local law enforcement or to a licensed gun dealer. The arresting law
29 enforcement agency shall be immediately notified of the order to surrender firearms. A law
30 enforcement agency or licensed gun dealer taking possession of a firearm shall issue a proof of
31 surrender to the person surrendering the firearm. The proof of surrender must include the name of
32 the person, the date of surrender, and the serial number, manufacturer, and model of all
33 surrendered firearms.

34 (2) An offender transporting a firearm to surrender in accordance with this section shall

1 not be liable to prosecution under §§11-47-5(a)(2) or 11-47-5(c).

2 (3) The offender shall, within forty-eight (48) hours after being served with the order,
3 either:

4 (i) File a copy of proof of surrender with the court of jurisdiction, and attest that all
5 firearms owned by the person or in the person's possession at the time of plea or conviction have
6 been surrendered in accordance with this section and that the person currently owns no firearms
7 and has no firearms in their possession; or

8 (ii) Attest that, at the time of plea or conviction, the person owned no firearms and had no
9 firearms in their possession, and that the person currently owns no firearms and has no firearms in
10 their possession.

11 (4) The court of jurisdiction's copy of proof of surrender shall be kept under seal and
12 shall not be part of the public record.

13 (5) The Rhode Island state police are authorized to develop rules, regulations and
14 procedures pertaining to the storage and disposal of firearms that are surrendered pursuant to this
15 section, provided that such policies shall require that the offender be notified of the disposal, and
16 that the owner of a firearm receive any financial value generated from its disposal, less the cost
17 associated with taking possession of, storing, and disposing of the firearm, and provided that no
18 disposal shall occur while any appeal of the conviction is pending. The Rhode Island state police
19 may consult with the Rhode Island Police Chiefs' Association in developing said rules and
20 procedures.

21 SECTION 4. Section 12-29-5 of the General Laws in Chapter 12-29 entitled "Domestic
22 Violence Prevention Act" is hereby amended to read as follows:

23 12-29-5. Disposition of domestic violence cases. [Effective January 1, 2017.]

24 (a) Every person convicted of, or placed on probation for, a crime involving domestic
25 violence or whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo
26 contendere, in addition to any other sentence imposed or counseling ordered, shall be ordered by
27 the judge to attend, at his or her own expense, a batterer's intervention program appropriate to
28 address his or her violent behavior; provided, however, that the court may permit a
29 servicemember or veteran to complete any court-approved counseling program administered or
30 approved by the Veterans' Administration. This order shall be included in the conditions of
31 probation. Failure of the defendant to comply with the order shall be a basis for violating
32 probation and/or the provisions of § 12-10-12. This provision shall not be suspended or waived
33 by the court.

34 (b) Every person convicted of, or placed on probation for, a crime involving domestic

1 violence, as enumerated in § 12-29-2 or whose case is filed pursuant to § 12-10-12 where the
2 defendant pleads guilty or nolo contendere, in addition to other court costs or assessments
3 imposed, shall be ordered to pay a one hundred twenty-five dollar (\$125) assessment. Eighty
4 percent (80%) of the assessment collected pursuant to this section shall be provided to the Rhode
5 Island Coalition Against Domestic Violence for programs to assist victims of domestic violence
6 and twenty percent (20%) of the assessment shall be deposited as general revenue.

7 (c) (1) Every person convicted of an offense punishable, as a misdemeanor involving
8 domestic violence as defined in § 12-29-2 shall:

9 (i) For a second violation be imprisoned for a term of not less than ten (10) days and not
10 more than one year.

11 (ii) For a third and subsequent violation be deemed guilty of a felony and be imprisoned
12 for a term of not less than one year and not more than ten (10) years.

13 (2) No jail sentence provided for under this section can be suspended.

14 (3) Nothing in this subsection shall be construed as limiting the discretion of the judges to
15 impose additional sanctions authorized in sentencing.

16 (d) The court shall determine, for every conviction or plea of nolo contendere for:

17 (1) A misdemeanor that involves the use or attempted use of force, or the threatened use
18 of a dangerous weapon, committed against a family or household member as defined in §12-29-
19 2;

20 (2) A misdemeanor for violation of the provisions of a protective order entered pursuant
21 to chapter 15 of title 15, chapter 8.1 of title 8, or §12-29-4, or an equivalent order in this state or
22 elsewhere, where the respondent had knowledge of the order and the penalty for its violation; or

23 (3) A misdemeanor for cyberstalking and cyber harassment under §11-52-4.2 whether, as
24 a result of the violation, the offender is prohibited under §11-47-5 from purchasing, owning,
25 carrying, transporting, or having in their possession any firearm.

26 (e) If the offender is prohibited as described in subsection (d) of this section, the court
27 shall inform the offender of their prohibited status and order the offender to surrender any
28 firearms in their possession or control, and shall ensure surrender is made in accordance with
29 §11-47-5.4

30 (e)(e) For the purposes of this section, "batterers intervention program" means a program
31 which is certified by the batterers intervention program standards oversight committee according
32 to minimum standards, pursuant to §§ 12-29-5.1, 12-29-5.2, and 12-29-5.3.

33 (e)(f) For purposes of this section, "servicemember" means a person who is presently
34 serving in the armed forces of the United States, including the Coast Guard, a reserve component

1 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,
2 including the Coast Guard of the United States, a reserve component thereof, or the National
3 Guard, and has been discharged under other than dishonorable conditions.

4 (f) The court shall indicate on every record of conviction or a plea of nolo contendere for
5 an offense punishable as a felony involving domestic violence, as defined in § 12-29-2, that the
6 defendant is prohibited under §§ 11-47-5 and 11-47-5.3 from purchasing, owning, carrying,
7 transporting, or having in their possession, any firearm(s). The court shall inform the defendant of
8 their prohibited status and shall order the defendant to surrender any firearm(s) in their
9 ownership, possession, care, custody or control in accordance with § 11-47-5.3.

10 (g) No proceeds shall be provided to any person if the firearm(s) is destroyed pursuant to
11 this section.

12 (h) Any firearm(s) used in the commission of the offense leading to the conviction
13 pursuant to this section shall be forfeited to the state upon conviction.

14 SECTION 5. Section 15-15-3 of the General Laws in Chapter 15-15 entitled "Domestic
15 Abuse Prevention" is hereby amended to read as follows:

16 15-15-3. Protective orders -- Penalty -- Jurisdiction.

17 (a) A person suffering from domestic abuse may file a complaint in the family court
18 requesting any order which will protect and support her or him from abuse including, but not
19 limited, to the following:

20 (1) Ordering that the defendant be restrained and enjoined from contacting, assaulting,
21 molesting, or interfering with the plaintiff at home, on the street, or elsewhere, whether the
22 defendant is an adult or a minor;

23 (2) Ordering the defendant to vacate the household immediately;

24 (3) Awarding the plaintiff custody of the minor children of the parties, if any;

25 (4) After notice to the respondent and a hearing, ordering either party to make payments
26 for the support of a minor child or children of the parties as required by law for a period not to
27 exceed ninety (90) days, unless the child support order is for a child or children receiving public
28 assistance pursuant to chapter 5.1 of title 40. In these cases, legal counsel for the division of
29 taxation, child support enforcement, shall be notified as a party in interest to appear for the
30 purpose of establishing a child support order under a new or existing docket number previously
31 assigned to the parties and not under the protective docket number. The child support order shall
32 remain in effect until the court modifies or suspends the order.

33 ~~(5)(b)~~ After notice to the respondent and a hearing, the court in addition to any other
34 restrictions, may shall for any protective order the defendant issued or renewed after July 1,

1 2017, order a person restrained under this section to surrender physical possession of all firearms
2 in his or her possession, care, custody or control.

3 ~~(b) Any individual who accepts physical possession of a firearm pursuant and shall~~
4 ~~further order a person restrained under this section not to this section is prohibited from returning~~
5 ~~any firearm purchase or receive or attempt to purchase or receive any defendant under a firearms~~
6 ~~while the restraining order during the existence of the restraining order. Violation of this~~
7 ~~provision shall subject both the defendant and the individual responsible for the return of the~~
8 ~~firearm to the defendant, to being found in contempt of court is in effect.~~

9 (c) The Family Court shall provide a notice on all forms requesting a protective order
10 that, at the hearing for a protective order, the defendant may a person restrained under this section
11 shall be ordered pursuant to §11-47-5 to surrender physical possession or control of any firearms
12 and not to purchase or receive or attempt to purchase or receive any firearms for a period not to
13 exceed the duration of while the restraining order is in effect.

14 (d) ~~If the defendant a person restrained under this section is present in court at a duly~~
15 ~~noticed hearing, the court may , in addition to any other restrictions, shall for any protective~~
16 ~~order the defendant issued or renewed on or after July 1, 2017, order a person restrained under~~
17 ~~this section to physically surrender any firearm firearm(s) in that person's immediate physical~~
18 ~~possession or control, or subject to that person's immediate physical possession or control, within~~
19 ~~twenty-four (24) hours of the order, by surrendering the possession of the firearm(s) to the control~~
20 ~~of any individual not legally prohibited from possessing a firearm(s) who is not related to the~~
21 ~~defendant by blood, marriage, or relationship as defined by § 15-15-1(3), (4), or (5), of the Rhode~~
22 ~~Island general laws, or by surrendering any firearm(s) to the Rhode Island State Police Rhode~~
23 ~~Island state police or local police department, or by surrendering the firearm(s) to a licensed gun~~
24 ~~dealer. If the defendant a person restrained under this section is not present at the hearing, the~~
25 ~~defendant person restrained under this order shall surrender possession of the firearm(s) within~~
26 ~~forty-eight (48) hours after being served with the order. A person ordered to surrender possession~~
27 ~~of any firearm(s) pursuant to this subsection shall file with the court a receipt showing the~~
28 ~~firearm(s) was either legally transferred to an individual not legally prohibited from possessing a~~
29 ~~firearm who is not related to the defendant by blood, marriage, or relationship as defined by § 15-~~
30 ~~15-1(3), (4), or (5) of the Rhode Island general laws or surrender to a licensed gun dealer within~~
31 ~~seventy-two (72) hours after receiving the order. Any defendant transporting a firearm to~~
32 ~~surrender in accordance with the above shall not be liable to prosecution under § 11-47-8.~~

33 (e) A person ordered to surrender possession of any firearm(s) pursuant to this subsection
34 shall, within seventy-two (72) hours after being served with the order, either:

1 (1) File with the court a receipt showing the firearm(s) was physically surrendered to the
2 Rhode Island state police or local police department or to a licensed gun dealer; or

3 (2) Attest to the court that, at the time of the order, the person had no firearms in their
4 immediate physical possession or control or subject to their immediate physical possession or
5 control, and that the person, at the time of the attestation, has no firearms in their immediate
6 physical possession or control or subject to their immediate physical possession or control.

7 (f) Any defendant transporting a firearm to surrender in accordance with this section shall
8 not be liable to prosecution under §11-47-8.

9 (g) Any firearm surrendered pursuant to this section to the Rhode Island state police or a
10 local police department shall be returned to the person formerly restrained under this section upon
11 their request only if:

12 (1) The person formerly restrained under this section produces written documentation
13 issued by a court indicating that the restraining order issued pursuant to this section that
14 prohibited the person from purchasing, carrying, transporting or possessing firearms has expired
15 and has not been extended; and

16 (2) The person formerly restrained under this section is not otherwise prohibited from
17 possessing a firearm under state or federal law.

18 (h) The Rhode Island state police are authorized to develop rules and procedures
19 pertaining to the storage and return of firearms surrendered to the Rhode Island state police or
20 local police departments pursuant to this section. The Rhode Island state police may consult with
21 the Rhode Island Police Chiefs' Association in developing said rules and procedures.

22 (e)(j) Nothing in this section shall limit a defendant's right under existing law to petition
23 the court at a later date for modification of the order.

24 (f)(i) The prohibition against possessing a firearm(s) due solely to the existence of a
25 domestic violence restraining order issued under this section shall not apply with respect to sworn
26 peace officers as defined in § 12-7-21 and active members of military service including members
27 of the reserve components thereof, who are required by law or departmental policy to carry
28 departmental firearms while on duty or any person who is required by their employment to carry
29 a firearm in the performance of their duties. Any individual exempted pursuant to this exception
30 may possess a firearm only during the course of their employment. Any firearm required for
31 employment must be stored at the place of employment when not being possessed for
32 employment use; all other firearm(s) must be surrendered in accordance with § 15-15-3.

33 (g)(k) Upon motion by the plaintiff, his or her address shall be released only at the
34 discretion of the family court judge.

1 ~~(f)~~(1) Any violation of the protective orders in subsection (a) of this section shall
2 subject the defendant to being found in contempt of court.

3 (2) The contempt order shall not be exclusive and shall not preclude any other available
4 civil or criminal remedies. Any relief granted by the court shall be for a fixed period of time not
5 to exceed three (3) years, at the expiration of which time the court may extend any order, upon
6 motion of the plaintiff, for any additional time, that it deems necessary to protect the plaintiff
7 from abuse. The court may modify its order at any time upon motion of either party.

8 ~~(i)~~(m) (1) Any violation of a protective order under this chapter of which the defendant
9 has actual notice shall be a misdemeanor which shall be punished by a fine of no more than one
10 thousand dollars (\$1,000) or by imprisonment for not more than one year, or both.

11 (2) The penalties for violation of this section shall also include the penalties as provided
12 by § 12-29-5.

13 ~~(j)~~(n) Actual notice means that the defendant has received a copy of the order by service
14 or by being handed a copy of the order by a police officer pursuant to § 15-15-5(d).

15 ~~(k)~~(o) (1) The district court shall have criminal jurisdiction over all adult violations of
16 this chapter.

17 (2) The family court shall have jurisdiction over all juvenile violations of this chapter.

18 SECTION 6. This act shall take effect upon passage.

LC001499

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- DOMESTIC ASSAULT -
PROTECT RHODE ISLAND FAMILIES ACT

- 1 This act would limit access to firearms when an individual is under certain types of
- 2 domestic restraining orders or protective orders issued or renewed on or after July 1, 2017.
- 3 This act would take effect upon passage.

LC001499

2017 -- S 0405

LC001651

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- DOMESTIC ASSAULT -
PROTECT RHODE ISLAND FAMILIES ACT

Introduced By: Senators Metts, Calkin, Quezada, Crowley, and Nesselbush

Date Introduced: March 02, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 8-8.1-3 of the General Laws in Chapter 8-8.1 entitled "Domestic
2 Assault" is hereby amended to read as follows:
- 3 **8-8.1-3. Protective orders -- Penalty -- Jurisdiction.**
- 4 (a) A person suffering from domestic abuse may file a complaint in the district court
5 requesting any order which will protect her or him from the abuse, including but not limited to the
6 following:
- 7 (1) Ordering that the defendant be restrained and enjoined from contacting, assaulting,
8 molesting or otherwise interfering with the plaintiff at home, on the street, or elsewhere, whether
9 the defendant is an adult or minor;
- 10 (2) Ordering the defendant to vacate the household forthwith, unless the defendant holds
11 sole legal interest in the household;
- 12 (3) Upon motion by the plaintiff, his or her address shall be released only at the discretion
13 of the district court judge;
- 14 ~~(4)(b)~~ After notice to the respondent and after a hearing, the court, in addition to any
15 other restrictions, may shall, for any protective order issued or renewed on or after July 1, 2017,
16 order the defendant a person restrained under this section to surrender physical possession of all
17 firearms in his or her possession, care, custody or control, and shall further order a person
18 restrained under this section not to purchase or receive or attempt to purchase or receive any

1 firearms while the protective order is in effect.

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3 ~~is prohibited from returning any firearm to any defendant under a restraining order during the~~
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5 ~~the individual responsible for the return of the firearm to the defendant, to being found in~~
6 ~~contempt of court.~~

7 (c) The district court shall provide a notice on all forms requesting a protective order that,
8 at the hearing for a protective order, the defendant a person restrained under this section shall
9 may be ordered pursuant to §11-47-5 to surrender possession or control of any firearms and not to
10 purchase or receive or attempt to purchase or receive any firearms while the for a period not to
11 exceed the duration of the restraining order is in effect.

12 (d) ~~If the defendant a person restrained under this section is present in court at a duly~~
13 ~~noticed hearing, the court may, in addition to any other restrictions, shall for any protective order~~
14 ~~issued or renewed on or after July 1, 2017, order the defendant a person restrained under this~~
15 ~~section to physically surrender any firearm(s) in that person's immediate physical possession or~~
16 ~~control, or subject to that person's immediate physical possession or control, within twenty-four~~
17 ~~(24) hours of the order, by surrendering the possession of the firearm(s) to the control of any~~
18 ~~individual not legally prohibited from possessing a firearm who is not related to the defendant by~~
19 ~~blood, marriage, or relationship as defined by § 15-15-1(3), (4), or (5) of the Rhode Island general~~
20 ~~laws, or by surrendering any firearm(s) to the Rhode Island state police or local police~~
21 ~~department, or by surrendering the firearm(s) to a licensed gun dealer. If the defendant a person~~
22 ~~restrained under this section is not present at the hearing, the defendant person restrained under~~
23 ~~this order shall surrender the firearm(s) within forty-eight (48) hours after being served with the~~
24 ~~order.~~

25 (e) A person ordered to surrender possession of any firearm(s) pursuant to this subsection
26 shall within seventy-two (72) hours after being served with the order, either:

27 (1) File file with the court a receipt showing the firearm(s) was either physically
28 surrendered to the Rhode Island state police or local police department, or to a licensed gun
29 dealer; or

30 (2) Attest to the court that, at the time of the order, the person had no firearms in their
31 immediate physical possession or control or subject to their immediate physical possession or
32 control, and that the person, at the time of the attestation, has no firearms in their immediate
33 physical possession or control or subject to their immediate physical possession or control.

34 (f) ~~an individual not legally prohibited from possessing a firearm who is not related to the~~

1 ~~defendant by blood, marriage, or relationship as defined by § 15-15-1(3), (4), or (5) or surrender~~
2 ~~to a licensed gun dealer within seventy-two (72) hours after receiving the order. Any defendant~~
3 ~~transporting a firearm to surrender in accordance with this section the above shall not be liable to~~
4 ~~prosecution under § 11-47-8.~~

5 (g) Any firearm surrendered in accordance with this section to the Rhode Island state
6 police or local police department shall be returned to the person formerly restrained under this
7 section upon their request only if:

8 (1) The person formerly restrained under this section produces written documentation
9 issued by a court indicating that the restraining order issued pursuant to this section that
10 prohibited the person from purchasing, carrying, transporting or possessing firearms has expired
11 and has not been extended; and

12 (2) The person formerly restrained under this section is not otherwise prohibited from
13 possessing a firearm under state or federal law.

14 (h) The Rhode Island state police are authorized to develop rules and procedures
15 pertaining to the storage and return of firearms surrendered to the Rhode Island state police or
16 local police departments pursuant to this section. The Rhode Island state police may consult with
17 the Rhode Island Police Chiefs' Association in developing said rules and procedures.

18 ~~(e)(i)~~ Nothing in this section shall limit a defendant's right under existing law to petition
19 the court at a later date for modification of the order.

20 ~~(f)(i)~~ The prohibition against possessing a firearm(s) due solely to the existence of a
21 domestic violence restraining order issued under this section shall not apply with respect to sworn
22 peace officers as defined in § 12-7-21 and active members of military service including members
23 of the reserve components thereof, who are required by law or departmental policy to carry
24 departmental firearms while on duty or any person who is required by their employment to carry
25 a firearm in the performance of their duties. Any individual exempted pursuant to this exception
26 may possess a firearm only during the course of their employment. Any firearm required for
27 employment must be stored at the place of employment when not being possessed for
28 employment use; all other firearm(s) must be surrendered in accordance with § 8-8.1-3.

29 ~~(g)(k)~~ Any violation of the aforementioned protective order shall subject the defendant to
30 being found in contempt of court.

31 ~~(h)(l)~~ No order shall issue under this section which would have the effect of compelling a
32 defendant who has the sole legal interest in a residence to vacate that residence.

33 ~~(i)(m)~~ The contempt order shall not be exclusive and shall not preclude any other
34 available civil or criminal remedies. Any relief granted by the court shall be for a fixed period of

1 time not to exceed three (3) years, at the expiration of which time the court may extend any order
2 upon motion of the plaintiff for such additional time as it deems necessary to protect the plaintiff
3 from abuse. The court may modify its order at any time upon motion of either party.

4 ~~(f)(n)~~ Any violation of a protective order under this chapter of which the defendant has
5 actual notice shall be a misdemeanor which shall be punished by a fine of no more than one
6 thousand dollars (\$1,000) or by imprisonment for not more than one year, or both.

7 ~~(k)(o)~~ The penalties for violation of this section shall also include the penalties provided
8 under § 12-29-5.

9 ~~(h)(p)~~ "Actual notice" means that the defendant has received a copy of the order by
10 service thereof or by being handed a copy of the order by a police officer pursuant to § 8-8.1-5(d).

11 ~~(m)(q)~~ The district court shall have criminal jurisdiction over all violations of this
12 chapter.

13 SECTION 2. Section 11-47-5 of the General Laws in Chapter 11-47 entitled "Weapons"
14 is hereby amended to read as follows:

15 11-47-5. Possession of arms by person convicted of crime of violence or who is a
16 fugitive from justice.

17 (a) ~~No person who has been convicted in this state or elsewhere of a crime of violence or~~
18 ~~who is a fugitive from justice shall purchase, own, carry, transport, or have in his or her~~
19 ~~possession any firearm.~~

20 ~~(b) Notwithstanding the provisions of subsection (a) of this section, no if that person:~~

21 (1) Has been convicted in this state or elsewhere of a crime of violence;

22 (2) Has, in this state or elsewhere, entered a plea of nolo contendere to or been convicted
23 of an offense punishable as a felony offense under § 12-29-5 a misdemeanor that involves the use
24 or attempted use of force, or the threatened use of a dangerous weapon, against a family or
25 household member as defined in §12-29-2;

26 (3) Has entered a plea of nolo contendere to or been convicted of a misdemeanor for
27 violation of the provisions of a protective order entered pursuant to chapter 15 of title 15, chapter
28 8.1 of title 8, or §12-29-4, or an equivalent order in this state or elsewhere, where the respondent
29 had knowledge of the order and the penalty for its violation;

30 (4) Has entered a plea of nolo contendere to or been convicted of a misdemeanor for
31 cyber stalking and cyber harassment under §11-52-4.2; or

32 (5) Is a fugitive from justice.

33 (b) ~~No person shall purchase, own, carry, transport, or have in his or her possession any~~
34 ~~firearm, for a period of two (2) years following the date of that conviction, if that person is~~

1 subject to an order issued pursuant to chapter 15 of title 15, chapter 8.1 of title 8, or §12-29-4, or
2 an equivalent order in this state or elsewhere, which order was issued after the person restrained
3 has received notice of the proceedings and had an opportunity to be heard.

4 (c) No person who is in community confinement pursuant to the provisions of § 42-56-
5 20.2 or who is otherwise subject to electronic surveillance or monitoring devices as a condition of
6 parole shall purchase, carry, transport, or have in his or her possession any firearm. This
7 subsection shall not apply to any person who has not been convicted of (or pleaded guilty or nolo
8 contendere to) a crime of violence in a court of competent jurisdiction.

9 (d) Every person violating the provisions of this section shall, upon conviction, be
10 punished by imprisonment for not less than two (2) nor more than ten (10) years; and for
11 penalties provided in this section he or she shall not be afforded the benefit of suspension or
12 deferment of sentence nor of probation.

13 SECTION 3. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
14 by adding thereto the following section:

15 11-47-5.4. Surrender of firearms after domestic violence offenses.

16 (a) A plea of nolo contendere to, or a conviction for a misdemeanor that involves the use
17 or attempted use of force, or the threatened use of a dangerous weapon, committed against a
18 family or household member as defined in §12-29-2, a plea of nolo contendere to or a conviction
19 for a misdemeanor for violation of the provisions of a protective order entered pursuant to chapter
20 15 of title 15, chapter 8.1 of title 8, or §12-29-4, or an equivalent order in this state or elsewhere,
21 where the respondent had knowledge of the order and the penalty for its violation, or a plea of
22 nolo contendere to or convicted for a misdemeanor for cyber stalking and cyber harassment under
23 §11-52-4.2 shall prohibit the offender from purchasing, owning, carrying, transporting, or having
24 in their possession any firearm. Upon such a plea or conviction, the court shall order the offender
25 to surrender all firearms owned by the person or in the person's possession as described in this
26 section.

27 (1) Surrender shall be made within twenty-four (24) hours of prohibition to the Rhode
28 Island state police or local law enforcement or to a licensed gun dealer. The arresting law
29 enforcement agency shall be immediately notified of the order to surrender firearms. A law
30 enforcement agency or licensed gun dealer taking possession of a firearm shall issue a proof of
31 surrender to the person surrendering the firearm. The proof of surrender must include the name of
32 the person, the date of surrender, and the serial number, manufacturer, and model of all
33 surrendered firearms.

34 (2) An offender transporting a firearm to surrender in accordance with this section shall

1 not be liable to prosecution under §§11-47-5(a)(2) or 11-47-5(c).

2 (3) The offender shall, within forty-eight (48) hours after being served with the order,
3 either:

4 (i) File a copy of proof of surrender with the court of jurisdiction, and attest that all
5 firearms owned by the person or in the person's possession at the time of plea or conviction have
6 been surrendered in accordance with this section and that the person currently owns no firearms
7 and has no firearms in their possession; or

8 (ii) Attest that, at the time of plea or conviction, the person owned no firearms and had no
9 firearms in their possession, and that the person currently owns no firearms and has no firearms in
10 their possession.

11 (4) The court of jurisdiction's copy of proof of surrender shall be kept under seal and
12 shall not be part of the public record.

13 (5) The Rhode Island state police are authorized to develop rules, regulations and
14 procedures pertaining to the storage and disposal of firearms that are surrendered pursuant to this
15 section, provided that such policies shall require that the offender be notified of the disposal, and
16 that the owner of a firearm receive any financial value generated from its disposal, less the cost
17 associated with taking possession of, storing, and disposing of the firearm, and provided that no
18 disposal shall occur while any appeal of the conviction is pending. The Rhode Island state police
19 may consult with the Rhode Island Police Chiefs' Association in developing said rules and
20 procedures.

21 SECTION 4. Section 12-29-5 of the General Laws in Chapter 12-29 entitled "Domestic
22 Violence Prevention Act" is hereby amended to read as follows:

23 12-29-5. Disposition of domestic violence cases. [Effective January 1, 2017.]

24 (a) Every person convicted of, or placed on probation for, a crime involving domestic
25 violence or whose case is filed pursuant to § 12-10-12 where the defendant pleads nolo
26 contendere, in addition to any other sentence imposed or counseling ordered, shall be ordered by
27 the judge to attend, at his or her own expense, a batterer's intervention program appropriate to
28 address his or her violent behavior; provided, however, that the court may permit a
29 servicemember or veteran to complete any court-approved counseling program administered or
30 approved by the Veterans' Administration. This order shall be included in the conditions of
31 probation. Failure of the defendant to comply with the order shall be a basis for violating
32 probation and/or the provisions of § 12-10-12. This provision shall not be suspended or waived
33 by the court.

34 (b) Every person convicted of, or placed on probation for, a crime involving domestic

1 violence, as enumerated in § 12-29-2 or whose case is filed pursuant to § 12-10-12 where the
2 defendant pleads guilty or nolo contendere, in addition to other court costs or assessments
3 imposed, shall be ordered to pay a one hundred twenty-five dollar (\$125) assessment. Eighty
4 percent (80%) of the assessment collected pursuant to this section shall be provided to the Rhode
5 Island Coalition Against Domestic Violence for programs to assist victims of domestic violence
6 and twenty percent (20%) of the assessment shall be deposited as general revenue.

7 (c) (1) Every person convicted of an offense punishable as a misdemeanor involving
8 domestic violence as defined in § 12-29-2 shall:

9 (i) For a second violation be imprisoned for a term of not less than ten (10) days and not
10 more than one year.

11 (ii) For a third and subsequent violation be deemed guilty of a felony and be imprisoned
12 for a term of not less than one year and not more than ten (10) years.

13 (2) No jail sentence provided for under this section can be suspended.

14 (3) Nothing in this subsection shall be construed as limiting the discretion of the judges to
15 impose additional sanctions authorized in sentencing.

16 (d) The court shall determine, for every conviction or plea of nolo contendere for:

17 (1) A misdemeanor that involves the use or attempted use of force, or the threatened use
18 of a dangerous weapon, committed against a family or household member as defined in §12-29-
19 2;

20 (2) A misdemeanor for violation of the provisions of a protective order entered pursuant
21 to chapter 15 of title 15, chapter 8.1 of title 8, or §12-29-4, or an equivalent order in this state or
22 elsewhere, where the respondent had knowledge of the order and the penalty for its violation; or

23 (3) A misdemeanor for cyberstalking and cyber harassment under §11-52-4.2 whether, as
24 a result of the violation, the offender is prohibited under §11-47-5 from purchasing, owning,
25 carrying, transporting, or having in their possession any firearm.

26 (e) If the offender is prohibited as described in subsection (d) of this section, the court
27 shall inform the offender of their prohibited status and order the offender to surrender any
28 firearms in their possession or control, and shall ensure surrender is made in accordance with
29 §11-47-5.4

30 ~~(d)~~(e) For the purposes of this section, "batterers intervention program" means a program
31 which is certified by the batterers intervention program standards oversight committee according
32 to minimum standards, pursuant to §§ 12-29-5.1, 12-29-5.2, and 12-29-5.3.

33 ~~(e)~~(f) For purposes of this section, "servicemember" means a person who is presently
34 serving in the armed forces of the United States, including the Coast Guard, a reserve component

1 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,
2 including the Coast Guard of the United States, a reserve component thereof, or the National
3 Guard, and has been discharged under other than dishonorable conditions.

4 (f) The court shall indicate on every record of conviction or a plea of nolo contendere for
5 an offense punishable as a felony involving domestic violence, as defined in § 12-29-2, that the
6 defendant is prohibited under §§ 11-47-5 and 11-47-5.3 from purchasing, owning, carrying,
7 transporting, or having in their possession, any firearm(s). The court shall inform the defendant of
8 their prohibited status and shall order the defendant to surrender any firearm(s) in their
9 ownership, possession, care, custody or control in accordance with § 11-47-5.3.

10 (g) No proceeds shall be provided to any person if the firearm(s) is destroyed pursuant to
11 this section.

12 (h) Any firearm(s) used in the commission of the offense leading to the conviction
13 pursuant to this section shall be forfeited to the state upon conviction.

14 SECTION 5. Section 15-15-3 of the General Laws in Chapter 15-15 entitled "Domestic
15 Abuse Prevention" is hereby amended to read as follows:

16 **15-15-3. Protective orders -- Penalty -- Jurisdiction.**

17 (a) A person suffering from domestic abuse may file a complaint in the family court
18 requesting any order which will protect and support her or him from abuse including, but not
19 limited, to the following:

20 (1) Ordering that the defendant be restrained and enjoined from contacting, assaulting,
21 molesting, or interfering with the plaintiff at home, on the street, or elsewhere, whether the
22 defendant is an adult or a minor;

23 (2) Ordering the defendant to vacate the household immediately;

24 (3) Awarding the plaintiff custody of the minor children of the parties, if any;

25 (4) After notice to the respondent and a hearing, ordering either party to make payments
26 for the support of a minor child or children of the parties as required by law for a period not to
27 exceed ninety (90) days, unless the child support order is for a child or children receiving public
28 assistance pursuant to chapter 5.1 of title 40. In these cases, legal counsel for the division of
29 taxation, child support enforcement, shall be notified as a party in interest to appear for the
30 purpose of establishing a child support order under a new or existing docket number previously
31 assigned to the parties and not under the protective docket number. The child support order shall
32 remain in effect until the court modifies or suspends the order.

33 ~~(b)~~ After notice to the respondent and a hearing, the court in addition to any other
34 restrictions, may shall for any protective order the defendant issued or renewed after July 1,

1 2017, order a person restrained under this section to surrender physical possession of all firearms
2 in his or her possession, care, custody or control-

3 (b) Any individual who accepts physical possession of a firearm pursuant and shall
4 further order a person restrained under this section not to this section is prohibited from returning
5 any firearm purchase or receive or attempt to purchase or receive any defendant under a firearms
6 while the restraining order during the existence of the restraining order. Violation of this
7 provision shall subject both the defendant and the individual responsible for the return of the
8 firearm to the defendant, to being found in contempt of court is in effect.

9 (c) The Family Court shall provide a notice on all forms requesting a protective order
10 that, at the hearing for a protective order, the defendant may a person restrained under this section
11 shall be ordered pursuant to §11-47-5 to surrender physical possession or control of any firearms
12 and not to purchase or receive or attempt to purchase or receive any firearms for a period not to
13 exceed the duration of while the restraining order is in effect.

14 (d) If the defendant a person restrained under this section is present in court at a duly
15 noticed hearing, the court may, in addition to any other restrictions, shall, for any protective
16 order the defendant issued or renewed on or after July 1, 2017, order a person restrained under
17 this section to physically surrender any firearm firearm(s) in that person's immediate physical
18 possession or control, or subject to that person's immediate physical possession or control, within
19 twenty-four (24) hours of the order, by surrendering the possession of the firearm(s) to the control
20 of any individual not legally prohibited from possessing a firearm(s) who is not related to the
21 defendant by blood, marriage, or relationship as defined by § 15-15-1(3), (4), or (5), of the Rhode
22 Island general laws, or by surrendering any firearm(s) to the Rhode Island State Police Rhode
23 Island state police or local police department, or by surrendering the firearm(s) to a licensed gun
24 dealer. If the defendant a person restrained under this section is not present at the hearing, the
25 defendant person restrained under this order shall surrender possession of the firearm(s) within
26 forty-eight (48) hours after being served with the order. A person ordered to surrender possession
27 of any firearm(s) pursuant to this subsection shall file with the court a receipt showing the
28 firearm(s) was either legally transferred to an individual not legally prohibited from possessing a
29 firearm who is not related to the defendant by blood, marriage, or relationship as defined by § 15-
30 15-1(3), (4), or (5) of the Rhode Island general laws or surrender to a licensed gun dealer within
31 seventy-two (72) hours after receiving the order. Any defendant transporting a firearm to
32 surrender in accordance with the above shall not be liable to prosecution under § 11-47-8.

33 (e) A person ordered to surrender possession of any firearm(s) pursuant to this subsection
34 shall, within seventy-two (72) hours after being served with the order, either:

1 (1) File with the court a receipt showing the firearm(s) was physically surrendered to the
2 Rhode Island state police or local police department or to a licensed gun dealer; or

3 (2) Attest to the court that, at the time of the order, the person had no firearms in their
4 immediate physical possession or control or subject to their immediate physical possession or
5 control and that the person, at the time of the attestation, has no firearms in their immediate
6 physical possession or control or subject to their immediate physical possession or control.

7 (f) Any defendant transporting a firearm to surrender in accordance with this section shall
8 not be liable to prosecution under §11-47-8.

9 (g) Any firearm surrendered pursuant to this section to the Rhode Island state police or a
10 local police department shall be returned to the person formerly restrained under this section upon
11 their request only if:

12 (1) The person formerly restrained under this section produces written documentation
13 issued by a court indicating that the restraining order issued pursuant to this section that
14 prohibited the person from purchasing, carrying, transporting or possessing firearms has expired
15 and has not been extended; and

16 (2) The person formerly restrained under this section is not otherwise prohibited from
17 possessing a firearm under state or federal law.

18 (h) The Rhode Island state police are authorized to develop rules and procedures
19 pertaining to the storage and return of firearms surrendered to the Rhode Island state police or
20 local police departments pursuant to this section. The Rhode Island state police may consult with
21 the Rhode Island Police Chiefs' Association in developing said rules and procedures.

22 (e)(i) Nothing in this section shall limit a defendant's right under existing law to petition
23 the court at a later date for modification of the order.

24 (e)(j) The prohibition against possessing a firearm(s) due solely to the existence of a
25 domestic violence restraining order issued under this section shall not apply with respect to sworn
26 peace officers as defined in § 12-7-21 and active members of military service including members
27 of the reserve components thereof, who are required by law or departmental policy to carry
28 departmental firearms while on duty or any person who is required by their employment to carry
29 a firearm in the performance of their duties. Any individual exempted pursuant to this exception
30 may possess a firearm only during the course of their employment. Any firearm required for
31 employment must be stored at the place of employment when not being possessed for
32 employment use; all other firearm(s) must be surrendered in accordance with § 15-15-3.

33 (e)(k) Upon motion by the plaintiff, his or her address shall be released only at the
34 discretion of the family court judge.

1 ~~(h)(1)~~ (1) Any violation of the protective orders in subsection (a) of this section shall
2 subject the defendant to being found in contempt of court.

3 (2) The contempt order shall not be exclusive and shall not preclude any other available
4 civil or criminal remedies. Any relief granted by the court shall be for a fixed period of time not
5 to exceed three (3) years, at the expiration of which time the court may extend any order, upon
6 motion of the plaintiff, for any additional time, that it deems necessary to protect the plaintiff
7 from abuse. The court may modify its order at any time upon motion of either party.

8 ~~(i)(m)~~ (1) Any violation of a protective order under this chapter of which the defendant
9 has actual notice shall be a misdemeanor which shall be punished by a fine of no more than one
10 thousand dollars (\$1,000) or by imprisonment for not more than one year, or both.

11 (2) The penalties for violation of this section shall also include the penalties as provided
12 by § 12-29-5.

13 ~~(j)(n)~~ Actual notice means that the defendant has received a copy of the order by service
14 or by being handed a copy of the order by a police officer pursuant to § 15-15-5(d).

15 ~~(k)(o)~~ (1) The district court shall have criminal jurisdiction over all adult violations of
16 this chapter.

17 (2) The family court shall have jurisdiction over all juvenile violations of this chapter.

18 SECTION 6. This act shall take effect upon passage.

LC001651

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- DOMESTIC ASSAULT -
PROTECT RHODE ISLAND FAMILIES ACT

- 1 This act would limit access to firearms when an individual is under certain types of
- 2 domestic restraining orders or protective orders issued or renewed on or after July 1, 2017.
- 3 This act would take effect upon passage.

LC001651