

# 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

NOTING PRES.

Lois L. Henson

CLERK

I HEREBY APPROVE.

[Signature]

Mayor

Date:

6/2/17

2017 -- H 5510

LC001499

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 (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 ~~(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)(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           (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        ~~(b)(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        ~~(i)(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        ~~(e)(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  
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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.

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 § 15-15-1(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 (e)(k) Any violation of the aforementioned protective order shall subject the defendant to  
30 being found in contempt of court.

31 (h)(i) 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 (f)(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 (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 ~~(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)(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)(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       (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

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- 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