

2021 -- H 5381

=====
LC000030
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

—————
A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Williams, Batista, Giraldo, Caldwell, and Morales

Date Introduced: February 05, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-35 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is hereby amended to read as follows:

3 **11-47-35. Sale of concealable weapons -- Safety courses and tests -- Review board**
4 **Issuance of permits to certain government officers.**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

(Face of application form)

Application to Purchase Pistol or Revolver

Date Hour A.M. P.M.
Name
Address
(Street and number) (City or town) (State)
Date of Birth Place of Birth
Height Weight Color hair
Color eyes
Scars
Tattoos
Other identifying marks
Are you a citizen of the United States
Are you a citizen of Rhode Island
How long
Where stationed
(Armed Forces only)
Have you ever been convicted of a crime of violence
(See § 11-47-2)
Have you ever been adjudicated or under confinement as addicted to a controlled substance
.....
Have you ever been adjudicated or under confinement for alcoholism
.....
Have you ever been confined or treated for mental illness
From whom is pistol or revolver being purchased
Seller's address
Seller's signature
Applicant's signature

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

(Reverse side of application form)

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

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

5 Signed

6 (over)

7 County of

8 State of Rhode Island

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

10 Notary Public

11

12 (2) The person selling the pistol or revolver shall on the date of application sign and forward
13 by registered mail, by delivery in person, or by electronic mail if approved by the applicable police
14 department, the original and duplicate copies of the application to the chief of police in the city or
15 town in which the purchaser has his or her residence or to the superintendent of the Rhode Island
16 state police in the instance where the purchaser either resides in the town of Exeter or resides out
17 of state. The superintendent of the Rhode Island state police or the chief of police in the city or
18 town in which the purchaser has his or her residence shall mark or stamp the original copy of the
19 application form with the date and the time of receipt and return it by the most expeditious means
20 to the person who is selling the pistol or revolver. The triplicate copy duly signed by the person
21 who is selling the pistol or revolver shall within seven (7) days be sent by him or her by registered
22 mail, by delivery in person, or by electronic mail to the attorney general. The person who is selling
23 the pistol or revolver shall retain the original copy duly receipted by the police authority to whom
24 sent or delivered for a period of six (6) years with other records of the sale. It shall be the duty of
25 the police authority to whom the duplicate copy of the application form is sent or delivered to make
26 a background check of the applicant to ascertain whether he or she falls under the provisions of §
27 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse of seven (7) days from twelve o'clock
28 (12:00) noon of the day following application, no disqualifying information has been received from
29 the investigating police authority by the person who is selling the pistol or revolver, he or she will
30 deliver the firearm applied for to the purchaser. Upon the finding of no disqualifying information
31 under the provisions of the above cited sections of this chapter, and in no case later than thirty (30)
32 days after the date of application, the duplicate and triplicate copies of the application will be
33 destroyed. Retention of the duplicate and triplicate copies in violation of this section or any
34 unauthorized use of the information contained in the copies by a person or agency shall be

1 punishable by a fine of not more than one thousand dollars (\$1,000). The provisions of this section
2 shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to purchases by
3 retail dealers duly licensed under the provisions of § 11-47-39. The person selling the firearm shall
4 also require that the purchaser execute a medical authorization/release form as approved by the
5 general assembly and made part of this section, for release of medical records relating to the
6 purchaser's addiction to any controlled substance, alcoholism and/or mental health illness for a
7 period of five (5) years preceding the application for the purchase of a firearm.

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

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

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

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

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

31 (f) The following persons shall be issued basic pistol/revolver permits by the department
32 of environmental management: sheriffs, deputy sheriffs, the superintendent and members of the
33 state police, prison or jail wardens or their deputies, members of the city or town police force,
34 members of the park police, conservation officers, members of the airport police and officers of the

1 United States government authorized by law to carry a concealed firearm and, at the discretion of
2 the department of environmental management, any person who can satisfactorily establish that he
3 or she formerly held one of these offices or were so authorized.

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

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

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

13 HIPAA AUTHORIZATION FOR DISCLOSURE
14 OF HEALTH INFORMATION

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

17 Print Name of Patient: _____
18 Date of Birth: _____ SSN: _____

19 I. My Authorization

20 I authorize:
21 Name of medical care provider: _____
22 to disclose the following health information.

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

26 The above party may disclose this health information to the following recipient:
27 Name (or title) and organization _____
28 Address _____
29 City _____ State _____ Zip _____
30 Phone _____ Fax _____ Email _____

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

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

1 II. My Rights

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

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

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

10 Signature of Patient: _____

11 Date: _____

12 SECTION 2. This act shall take effect upon passage.

=====
LC000030
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- WEAPONS

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

6 This act would take effect upon passage.

=====
LC000030
=====