

2023 -- H 5894

LC001449

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Boylan, Knight, Morales, Tanzi, Potter, Kislak,
McEntee, Kazarian, Batista, and Dawson

Date Introduced: March 01, 2023

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 -- Issuance of~~
4 ~~permits to certain government officers~~ Sale of firearms -- Safety courses and tests -- Issuance
5 of permits to certain government officers.

6 (a)(1) No person shall deliver a ~~pistol or revolver~~ a firearm to a purchaser until seven (7)
7 days shall have elapsed from twelve o'clock (12:00) noon of the day following the day of
8 application for the purchase, and when delivered, the ~~pistol or revolver~~ firearm shall be unloaded
9 and securely wrapped, with the bill of sale to be enclosed within the wrapper with the ~~pistol or~~
10 ~~revolver~~ firearm. As used in this section, "firearm" means a rifle, shotgun, pistol or revolver. Any
11 citizen of the United States and/or lawful resident of this state who is twenty-one (21) years of age
12 or older, not otherwise prohibited by federal or state law, and any nonresident member of the armed
13 forces of the United States who is stationed in this state and who is twenty-one (21) years of age or
14 older, may, upon application, purchase or acquire a ~~pistol or revolver~~ firearm. At the time of
15 applying for the purchase of a ~~concealable~~ firearm, the purchaser shall: (i) Complete and sign in
16 triplicate and deliver to the person selling the ~~pistol or revolver~~ firearm the application form
17 described in this section, and in no case shall it contain the serial number of the ~~pistol or revolver~~
18 firearm; and (ii) Present to the person selling the ~~pistol or revolver~~ a pistol/revolver firearm, a
19 firearm safety certificate or basic hunter safety course certificate issued by the department of

1 environmental management. The certificate shall be retained in the possession of the buyer. The
2 ~~pistol/revolver~~ firearm safety certificate, commonly referred to as a "blue card", shall certify that
3 the purchaser has completed a basic ~~pistol/revolver~~ firearm safety ~~course~~ test as shall be
4 administered by the department of environmental management.

5 (Face of application form)

6 Application to Purchase ~~Pistol or Revolver~~ Firearm

7 Date Hour A.M. P.M.

8 Name

9 Address

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

11 Date of Birth Place of Birth

12 Height Weight Color hair

13 Color eyes.....

14 Scars

15 Tattoos

16 Other identifying marks

17 Are you a citizen of the United States

18 Are you a citizen of Rhode Island

19 How long

20 Where stationed

21 (Armed Forces only)

22 Number of ~~pistols and/or revolvers~~ firearms to be purchased

23 Type of firearm(s) (e.g. rifle, shotgun, pistol or revolver).....

24 Have you ever been convicted of a crime of violence

25 (See § 11-47-2)

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

27

28 Have you ever been adjudicated or under confinement for alcoholism

29

30 Have you ever been confined or treated for mental illness

31 From whom is ~~pistol or revolver~~ firearm being purchased

32 Seller's address

33 Seller's signature

34 Applicant's signature

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

2 (Reverse side of application form)

3 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1 — 11-
4 47-55, inclusive, of the general laws of the State of Rhode Island, and that I am aware of the
5 penalties for violation of the provisions of the cited sections. I further certify that I have
6 completed the required basic ~~pistol/revolver~~ firearm safety course.

7 Signed

8 (over)

9 County of

10 State of Rhode Island

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

12 Notary Public

13

14 (2) The person selling the ~~pistol or revolver~~ firearm shall on the date of application sign
15 and forward by registered mail, by delivery in person, or by electronic mail if approved by the
16 applicable police department, the original and duplicate copies of the application to the chief of
17 police in the city or town in which the purchaser has his or her residence or to the superintendent
18 of the Rhode Island state police in the instance where the purchaser either resides in the town of
19 Exeter or resides out of state. The superintendent of the Rhode Island state police or the chief of
20 police in the city or town in which the purchaser has his or her residence shall mark or stamp the
21 original copy of the application form with the date and the time of receipt and return it by the most
22 expeditious means to the person who is selling the ~~pistol or revolver~~ firearm. The triplicate copy
23 duly signed by the person who is selling the ~~pistol or revolver~~ firearm shall within seven (7) days
24 be sent by ~~him or her~~ the seller by registered mail, by delivery in person, or by electronic mail to
25 the attorney general. The person who is selling the ~~pistol or revolver~~ firearm shall retain the original
26 copy duly received by the police authority to whom sent or delivered for a period of six (6) years
27 with other records of the sale. It shall be the duty of the police authority to whom the duplicate
28 copy of the application form is sent or delivered to make a background check of the applicant to
29 ascertain whether ~~he or she~~ the applicant falls under the provisions of §§ 8-8.3-4, 8-8.3-6, 11-47-5,
30 11-47-5.4, § 11-47-6, § 11-47-7, ~~or §~~ 11-47-23, or 11-47-37. If, after the lapse of seven (7) days
31 from twelve o'clock (12:00) noon of the day following application, no disqualifying information
32 has been received from the investigating police authority by the person who is selling the ~~pistol or~~
33 ~~revolver~~ firearm, ~~he or she~~ the seller will deliver the firearm applied for to the purchaser. Upon the
34 finding of no disqualifying information under the provisions of the above cited sections of this

1 chapter, and in no case later than thirty (30) days after the date of application, the duplicate and
2 triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate copies
3 in violation of this section or any unauthorized use of the information contained in the copies by a
4 person or agency shall be punishable by a fine of not more than one thousand dollars (\$1,000). The
5 provisions of this section shall not apply to bona fide sales at wholesale to duly licensed retail
6 dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11-47-39.

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

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

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

21 (d) Any person who ~~has reason to believe that he or she does not need the required handgun~~
22 ~~safety course may apply by any written means to the department of environmental management to~~
23 applies to buy a firearm shall take an objective test, administered by the department of
24 environmental management, or alternatively, the basic hunter safety course, on the subject matter
25 of ~~the handgun~~ firearm safety ~~course~~. The test shall be prepared, as well as an instruction manual
26 upon which the test shall be based, by the department. The manual shall be made available by any
27 means to the applicant who may, within the time limits for application, take the objective test at the
28 department or at any location where the ~~handgun~~ firearm safety course is being given. Any person
29 receiving a passing grade on the test shall be issued a ~~pistol/revolver~~ firearm safety certificate,
30 ("blue card"), by the department. No person who passes the blue card safety test shall be required
31 to complete the test more than once; provided, that any person completing the test who is unable to
32 produce the safety certificate issued by the department of environmental management shall be
33 required to take and pass the test again unless the person provides evidence to the department that
34 they have previously successfully passed the test. The safety test manual and test questions shall

1 [be reviewed and amended every two \(2\) years, as appropriate, by the department of environmental](#)
2 [management, to reflect current laws and changes in firearm safety.](#)

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

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

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

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

19 [\(i\) The provisions of this section shall not apply to full-time members of the state police,](#)
20 [full-time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-](#)
21 [47-11, or to sales of air rifles or "BB guns" or to sales of antique firearms as defined in § 11-47-2.](#)

22 SECTION 2. Section 11-47-35.2 of the General Laws in Chapter 11-47 entitled "Weapons"
23 is hereby repealed.

24 ~~**11-47-35.2. Sale of rifles/shotguns.**~~

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

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(Face of application form)

~~Application to Purchase Shotgun or Rifle~~

~~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)~~

~~Number of rifles and/or shotguns to be purchased~~

~~Have you ever been convicted of a crime of violence~~

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

~~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 shotgun or rifle 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 — 11-47-59, inclusive, of the general laws of the State of Rhode Island, and that I am aware of the penalties for violation of the provisions of the cited sections.~~

1 Signed
2 County of
3 State of Rhode Island

4 ~~Subscribed and sworn before me this day of A.D. 20....~~
5 _____ Notary Public
6 _____

7 ~~(b) The person who is selling the rifle or shotgun shall, on the date of application, sign and~~
8 ~~forward by registered mail or by delivery in person, or by electronic mail if approved by the~~
9 ~~applicable police department, the original and duplicate copies of the application to the chief of~~
10 ~~police in the city or town in which the purchaser has his or her residence or to the superintendent~~
11 ~~of the Rhode Island state police in the instance where the purchaser either resides in the town of~~
12 ~~Exeter or resides out of state. The superintendent of the Rhode Island state police or the chief of~~
13 ~~police in the city or town in which the purchaser has his or her residence shall mark or stamp the~~
14 ~~original copy of the application form with the date and time of receipt and return it by the most~~
15 ~~expeditious means to the seller. The triplicate copy duly signed by the seller shall within seven (7)~~
16 ~~days be sent by him or her by registered mail, by delivery in person, or by electronic mail, to the~~
17 ~~attorney general. The person who is selling the rifle or shotgun shall retain the original copy duly~~
18 ~~received by the police authority to whom sent or delivered for a period of six (6) years with other~~
19 ~~records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the~~
20 ~~application form is sent or delivered to make a background check of the applicant to ascertain~~
21 ~~whether he or she falls under the provisions of § 11-47-5, § 11-47-6, § 11-47-7, or § 11-47-23. If,~~
22 ~~after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following application,~~
23 ~~no disqualifying information has been received from the investigating police authority by the~~
24 ~~person who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the~~
25 ~~purchaser. Upon the finding of no disqualifying information under the provisions of the above cited~~
26 ~~sections of this chapter, and in no case later than thirty (30) days after the date of application, the~~
27 ~~duplicate and triplicate copies of the application will be destroyed. Retention of the duplicate and~~
28 ~~triplicate copies in violation of this chapter or any unauthorized use of the information contained~~
29 ~~in them by a person or agency shall be punishable by a fine of not more than one thousand dollars~~
30 ~~(\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly~~
31 ~~licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11-~~
32 ~~47-39.~~

33 ~~(c) The provisions of this section shall not apply to full time members of the state police,~~
34 ~~full time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-~~

1 ~~47-11, or to sales of air rifles or "BB guns" or to sales of antique firearms as defined in § 11-47-2.~~

2 SECTION 3. This act shall take effect upon passage.

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LC001449
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- WEAPONS

1 This act requires purchasers of any firearm including pistols, revolvers, rifles and shotguns,
2 to take and pass a basic firearm safety test as shall be administered by the department of
3 environmental management and provides that the safety course manual and test questions for
4 firearms be evaluated and updated every two (2) years so that they reflect current gun laws and
5 firearm safety. This act also repeals the option of taking a pistol/revolver safety course, which the
6 department of environmental management does not offer, and replaces it with a firearm safety test,
7 commonly known as the blue card test. It also incorporates the provisions of § 11-47-35.2 and
8 therefore, repeals that section.

9 This act would take effect upon passage.

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LC001449
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