

2020 -- S 2154 SUBSTITUTE A AS AMENDED

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LC003801/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS--THE JULIE LYNN CARDINAL ACT

Introduced By: Senators Algiere, Goodwin, Lombardo, Ruggerio, and McCaffrey

Date Introduced: January 29, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. This act shall be known and may be cited as the "Julie Lynn Cardinal Act."

2 SECTION 2. Sections 11-47-35 and 11-47-35.2 of the General Laws in Chapter 11-47
3 entitled "Weapons" are hereby amended to read as follows:

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

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

1 environmental management.

2 (Face of application form)

3 Application to Purchase Pistol or Revolver

4 Date Hour A.M. P.M.

5 Name

6 Address

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

8 Date of Birth Place of Birth

9 Height Weight Color hair

10 Color eyes

11 Scars

12 Tattoos

13 Other identifying marks

14 Are you a citizen of the United States

15 Are you a citizen of Rhode Island

16 How long

17 Where stationed

18 (Armed Forces only)

19 Have you ever been convicted of a crime of violence

20 (See § 11-47-2)

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

22

23 Have you ever been adjudicated or under confinement for alcoholism

24

25 Have you ever been confined or treated for mental illness

26 From whom is pistol or revolver being purchased

27 Seller's address

28 Seller's signature

29 Applicant's signature

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

31 (Reverse side of application form)

32 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1

33 -- 11-47-55, inclusive, of the general laws of the State of Rhode Island and Providence Plantations,

34 and that I am aware of the penalties for violation of the provisions of the cited sections. I further

1 certify that I have completed the required basic pistol/revolver safety course.

2 Signed

3 (over)

4 County of

5 State of Rhode Island

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

7 Notary Public

8

9 (2) The person selling the pistol or revolver shall on the date of application sign and forward

10 by registered mail, ~~or~~ by delivery in person, or by electronic mail if approved by the applicable

11 police department, the original and duplicate copies of the application to the superintendent of ~~the~~

12 ~~Rhode Island state police~~ ~~or~~ the chief of police in the city or town in which the ~~person~~ purchaser

13 has his or her residence or to the superintendent of the Rhode Island state police in the instance

14 where the purchaser either resides in the town of Exeter or resides out of state ~~place of business~~.

15 The superintendent of the Rhode Island state police or the chief of police in the city or town in

16 which the ~~person~~ purchaser has his or her residence ~~or place of business~~ shall mark or stamp the

17 original copy of the application form with the date and the time of receipt and return it by the most

18 expeditious means to the person who is selling the pistol or revolver. The triplicate copy duly signed

19 by the person who is selling the pistol or revolver shall within seven (7) days be sent by him or her

20 by registered mail, by delivery in person, or by electronic mail to the attorney general. The person

21 who is selling the pistol or revolver shall retain the original copy duly receipted by the police

22 authority to whom sent or delivered for a period of six (6) years with other records of the sale. It

23 shall be the duty of the police authority to whom the duplicate copy of the application form is sent

24 or delivered to make a background check of the applicant to ascertain whether he or she falls under

25 the provisions of § 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse of seven (7) days

26 from twelve o'clock (12:00) noon of the day following application, no disqualifying information

27 has been received from the investigating police authority by the person who is selling the pistol or

28 revolver, he or she will deliver the firearm applied for to the ~~applicant~~ purchaser. Upon the finding

29 of no disqualifying information under the provisions of the above cited sections of this chapter, and

30 in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies

31 of the application will be destroyed. Retention of the duplicate and triplicate copies in violation of

32 this section or any unauthorized use of the information contained in the copies by a person or

33 agency shall be punishable by a fine of not more than one thousand dollars (\$1,000). The provisions

34 of this section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to

1 purchases by retail dealers duly licensed under the provisions of § 11-47-39.

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

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

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

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

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

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

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

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

5 **11-47-35.2. Sale of rifles/shotguns.**

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

16 (Face of application form)

17 Application to Purchase Shotgun or Rifle

18 Date Hour A.M. P.M.
19 Name
20 Address
21 (Street and number) (City or town) (State)
22 Date of Birth Place of Birth
23 Height Weight Color hair
24 Color eyes
25 Scars
26 Tattoos
27 Other identifying marks
28 Are you a citizen of the United States
29 Are you a citizen of Rhode Island
30 How long
31 Where stationed
32 (Armed Forces only)
33 Have you ever been convicted of a crime of violence
34 (See § 11-47-2 General Laws of Rhode Island)

1 Have you ever been adjudicated or under confinement as addicted to a controlled substance
 2
 3 Have you ever been adjudicated or under confinement for alcoholism
 4
 5 Have you ever been confined or treated for mental illness
 6 From whom is shotgun or rifle being purchased
 7 Seller's address
 8 Seller's signature
 9 Applicant's signature

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

11 (Reverse side of application form)

12 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1
 13 -- 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence Plantations,
 14 and that I am aware of the penalties for violation of the provisions of the cited sections.

15 Signed
 16 County of
 17 State of Rhode Island
 18 Subscribed and sworn before me this day of..... A.D. 20..

19 Notary Public
 20

21 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign and
 22 forward by registered mail or by delivery in person, or by electronic mail if approved by the
 23 applicable police department, the original and duplicate copies of the application to ~~the~~
 24 ~~superintendent of the Rhode Island state police or~~ the chief of police in the city or town in which
 25 the ~~seller~~ purchaser has his or her residence or to the superintendent of the Rhode Island state police
 26 in the instance where the purchaser either resides in the town of Exeter or resides out of state ~~place~~
 27 ~~of business~~. The superintendent of the Rhode Island state police or the chief of police in the city or
 28 town in which the ~~person~~ purchaser has his or her residence ~~or place of business~~ shall mark or
 29 stamp the original copy of the application form with the date and time of receipt and return it by
 30 the most expeditious means to the seller. The triplicate copy duly signed by the seller shall within
 31 seven (7) days be sent by him or her by registered mail, by delivery in person, or by electronic mail,
 32 to the attorney general. The person who is selling the rifle or shotgun shall retain the original copy
 33 duly receipted by the police authority to whom sent or delivered for a period of six (6) years with
 34 other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of

1 the application form is sent or delivered to make a background check of the applicant to ascertain
2 whether he or she falls under the provisions of § 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after
3 the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following application, no
4 disqualifying information has been received from the investigating police authority by the person
5 who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the ~~applicant~~
6 purchaser. Upon the finding of no disqualifying information under the provisions of the above cited
7 sections of this chapter, and in no case later than thirty (30) days after the date of application, the
8 duplicate and triplicate copies of the application will be destroyed. Retention of the duplicate and
9 triplicate copies in violation of this chapter or any unauthorized use of the information contained
10 in them by a person or agency shall be punishable by a fine of not more than one thousand dollars
11 (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly
12 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11-
13 47-39.

14 (c) The provisions of this section shall not apply to full-time members of the state police,
15 full-time members of city or town police departments, persons licensed under §§ 11-47-9 and 11-
16 47-11, or to sales of air rifles or " BB guns" or to sales of antique firearms as defined in § 11-47-2.

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

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

1 This act would be called the Julie Lynn Cardinal Act and would provide that applications
2 to purchase certain firearms be sent by the seller of the firearm to the Rhode Island state police and
3 the police department of the city or town in which the purchaser resides, or to the state police if the
4 purchaser resides in Exeter or in another state, and would provide for the use of electronic mail in
5 forwarding the application to the police department.

6 This act would take effect upon passage.

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