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State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

20-07

March 20, 2020

FIFTH SUPPLEMENTAL EMERGENCY DECLARATION –
EXTENSION OF TIME FOR WEAPON AND FIREARM BACKGROUND CHECKS

This Emergency Declaration supplements Executive Order 20-02 issued March 9, 2020.

WHEREAS, on March 9, 2020, I declared a state of emergency due to the dangers to health and life posed by COVID-19;

WHEREAS, Rhode Island General Laws § 11-47-35 governs the delivery and sale of pistols and revolvers (also referred to as "concealable weapons") and Rhode Island General Laws § 11-47-35.2 governs the sale of rifles and shotguns (hereafter collectively referred to as "firearms") in the State of Rhode Island;

WHEREAS, those laws provide that no person shall deliver a firearm to a purchaser until seven (7) days have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the purchase;

WHEREAS, those laws further provide that a person selling a firearm shall send or deliver a copy of the purchase application to the police chief in the city or town where the person resides or the superintendent of the state police and that "it shall be the duty of the police authority . . . to make a background check of the applicant" to ascertain whether

they are prohibited from possession of a firearm under Rhode Island law. R.I. Gen. Laws §§ 11-47-35(a)(2) and 11-47-35.2(b);

WHEREAS, those laws further provide that, "[i]f, after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following application, no disqualifying information has been received from the investigating police authority by the person who is selling [the firearm], he or she will deliver the firearm applied for to the applicant." R.I. Gen. Laws §§ 11-47-35(a)(2) and 11-47-35.2(b);

WHEREAS, Rhode Island General Laws § 11-47-36 provides that a purchaser of a concealable firearm from an out-of-state dealer must submit the application form prescribed in § 11-47-35 to the superintendent of the Rhode Island state police or to the chief of police of the city or town in which the purchaser resides, and further provides that the investigating police authority shall have seventy two (72) hours from twelve o'clock (12:00) noon of the day following the date of application to determine whether the individual is disqualified from possession of a firearm under Rhode Island law;

WHEREAS, since the declaration of the state of emergency, state and local law enforcement agencies have reported a significant increase in the number of applications for concealable weapons and firearms purchases;

WHEREAS, many state and local law enforcement agencies have adjusted their staffing levels, particularly among the support staff who process background check requests, in response to the COVID-19 health emergency;

WHEREAS, as a result of the significant increase in the number of background checks requested by firearms dealers and reduced staffing levels, law enforcement agencies cannot reasonably complete the required background checks within the seven-day statutory timeframe;

WHEREAS, failure to perform the required background check within the statutory timeframe will result in the transfer of guns to purchasers for whom no background check has been performed, a situation potentially dangerous to the public; and

WHEREAS, the Rhode Island Police Chiefs' Association has advised that the increase in gun applications threatens to overwhelm police resources and has requested additional time within which to complete the necessary background checks.

NOW, THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, do hereby order and direct the following:

1. I hereby suspend the statutory time period within which police authorities must conduct background checks for concealable weapons and firearms. A police authority conducting the background investigation required by R.I. Gen. Laws §§11-47-35(a)(2), 11-47-35.2(b), and 11-47-36 shall have up to thirty (30) days from twelve o'clock (12:00) noon of the day following the application to complete the background investigation and notify the person selling the firearm whether the applicant is disqualified from purchasing a firearm, and, in the case of § 11-47-36, notifying the purchaser whether his or her application was approved.

2. Pursuant to Rhode Island General Laws 30-15-9 (e)(8), no person shall deliver a firearm to a purchaser until the person has been notified by the police authority conducting the background investigation of the purchaser that the purchaser is not disqualified under Rhode Island law. If, after the lapse of thirty (30) days from twelve o'clock (12:00) noon of the day following application, no disqualifying information has been received from the investigating police authority by the person who is selling the firearm, he or she will deliver the firearm to the purchaser.

3. All other provisions of Rhode Island General Laws §§ 11-47-35, 11-47-35.1, 11-47-35.2 and 11-47-36 shall remain unchanged.

This Order shall take effect immediately and applies to any applications to purchase concealable weapons or firearms submitted on or after March 13, 2020 and shall remain in full force and effect until April 19, 2020 unless renewed, modified or terminated by subsequent Executive Order.

So Ordered:

Gina M. Raimondo
Governor