



Rhode Island
Working Group for Gun Safety

FINAL REPORT AND RECOMMENDATIONS

OCTOBER 4, 2018



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Dear Governor Raimondo,

We are pleased to present you with the final report of the Working Group for Gun Safety, which was convened pursuant to Executive Order 18-01. Although entitled “Final Report,” you will see that the report actually marks the beginning of what we hope will be a deliberate, ongoing and thoughtful effort to update our laws, implement policies that improve public health and safety, and support state and local initiatives to tackle the growing toll of gun violence in our society.

The Working Group had a broad mandate to study gun violence reduction strategies, including implementation of the Red Flag legislation that you signed into law last Session. The Working Group was comprised of 43 members representing public health, behavioral health, federal, state and local law enforcement agencies, prosecutors and defense attorneys, educators and school administrators, veterans, academics, students, representatives of nonprofit organizations, and members of the community. Every member of the Working Group brought relevant experience to the table and contributed to the discussions and proposals contained in the report. We wish to thank them for their time, effort and commitment to our State.

We offer these recommendations in the hope that they will focus our state’s efforts—both legislative and policy-based—in the coming years. Our recommendations were not intended to be exhaustive or detailed, but rather aimed to provide a high-level roadmap for future consideration and action. We note that as with any public health initiative, it often takes years, if not decades, to see the results. For example, it took decades of legislation, regulatory action, research, and public education to make cars safer, get folks to buckle-up, and to reduce drinking and driving. Over time, these efforts have markedly reduced motor vehicle deaths and injuries. Likewise, we believe that by implementing these recommendations and by maintaining a laser focus on both short- and long-term impact, we will gradually improve the safety and wellbeing of all Rhode Islanders.

Sadly, the urgent need for action was yet again impressed upon us by the senseless loss of a young man outside his high school in Providence last month. Earlier this week a mother was shot and killed by her ex-husband who then took his own life, all while their son was in an upstairs bedroom. And this week marks the first anniversary of the horrible mass-shooting on the Las Vegas strip that took the lives of 58 individuals and injured more than 850 others.

Over the course of our meetings, it became clear that there is no simple solution to the problem of gun violence: what is needed is a comprehensive, multi-faceted approach that is supported by evidence and research. First, we must, as a State, make a concerted effort to provide far greater access to mental health services at schools, incorporate non-violence training into our schools’ curriculum, and encourage and develop greater collaboration between law enforcement, schools,

health professionals, and community organizations to proactively identify and intervene with high-risk individuals. Second, we must do better to stem the flow of illegal guns into our streets. Some of the proposals we offer here include streamlining and strengthening our firearms permitting laws and concealed-carry laws, requiring private gun transfers to take place through licensed dealers, cracking down on straw-purchasers, and raising the age to purchase and possess long guns. Third, in Rhode Island as well as nationally, suicides account for the majority of gun deaths. We offer numerous recommendations regarding suicide reduction strategies, including strengthening our safe storage law, improving implementation of the Red Flag law, and improving training of relevant professionals regarding recognition of suicidal ideation. Fourth, the Group also tackled the issue of mass shootings and, specifically, the issue of high capacity magazines and military style assault weapons. Although mass shootings are relatively rare—and we have been particularly fortunate in Rhode Island to not have had a mass shooting—there has been an uptick in the frequency of mass shootings in the U.S. in recent years. Assault weapons and high-capacity magazines appear to be the instruments of choice of mass shooters. The Working Group recommends banning high capacity magazines and more strictly regulating military style assault weapons.

These proposals represent our Working Group's broad consensus about where our State's gun-policy priorities should be and are based on the best available public policy, criminal justice, and public health evidence. As you will see, we recommend that the work we began should continue, through a number of smaller, more targeted working groups that will focus on data gathering and analysis, mental health and NICS reporting, and urban gun-violence reduction.

We thank you for the opportunity to serve on this Working Group and we look forward to working with your administration, the General Assembly and any other agency to implement these proposals.

Sincerely,

Dr. Megan L. Ranney
Co-Chair

James M. Manni
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GINA M. RAIMONDO, GOVERNOR
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Table of Contents

Executive Summary	i
Support Data Collection & Integration	1
Streamline and Enhance Firearm Licensing and Permitting Rules	4
Regulation of Long Guns Including Military Style Assault Weapons	10
High-Capacity Magazines (HCMs)	16
Ban “Ghost Guns” and 3-D Printed Guns	19
High-Capacity Magazines (HCMs)	16
Ban Firearms on School Grounds and Government Buildings	21
Gun Violence Prevention Resources for Schools	24
Criminal Gun Violence	28
Strengthen Safe Storage Laws	32
Enhance Suicide Prevention Resources	35
Mental Health & National Instant Criminal Background Check System (“NICS”) Reporting ...	38
Appendix 1: Executive Order 18-01	43
Appendix 2: Minutes of Meetings	49

EXECUTIVE SUMMARY

The Working Group for Gun Safety was convened pursuant to Governor Raimondo's Executive Order 18-01 issued on February 26, 2018. The Working Group had a broad mandate to study gun violence reduction strategies, including implementation of the Red Flag legislation signed into law earlier this year. It was comprised of 43 members representing public health, behavioral health, federal, state and local law enforcement agencies, prosecutors and defense attorneys, educators and school administrators, veterans, academics, students, representatives of nonprofit organizations, and other members of the community. Every member of the Working Group brought relevant experience to the table and contributed to the discussions and proposals contained in the report.

The Working Group met five times between April and September 2018. During those meetings, the group heard presentations from a number of experts and discussed a wide variety of issues on the topics of: (1) data collection and evidence-based policies; (2) urban violence; (3) school safety; (4) mass shootings; (5) legislative loopholes; (6) suicide prevention; (7) mental health; and (8) military style assault rifles and high capacity magazines.

As the Working Group had a diverse membership, we began by reviewing the scope of the problem of gun injuries and deaths in Rhode Island and nationally, the legal landscape of Rhode Island and federal firearms laws, differences in the regulation of handguns and long guns, concealed carry permitting, and mental health reporting requirements. Working Group members also heard a presentation on the status of NICS reporting by the Attorney General's Office.

Although in Rhode Island we are fortunate to have a low rate of firearm deaths as compared with the national average¹, the persistence of gun injuries and deaths due to accidents, suicides, assaults and homicides remains unacceptably high. Nationally, gun-related deaths rose for the last three years after remaining relatively flat for almost fifty years.² The number of gun related injuries has also been rising and is more than double the number of gun deaths.³ Finally, the upward trend in the number of mass shootings we have witnessed in recent years is particularly concerning.⁴ Against this backdrop, there has also been a significant increase in civilian gun ownership in the U.S., of which semi-automatic handguns and rifles represent a growing share.⁵

The Working Group recognizes that over the past four years, Rhode Island has made important strides to strengthen laws aimed at curbing gun violence in the state. These include the 2014 legislation requiring NICS reporting of district court civil commitments and the establishment of a relief from disqualifiers board.⁶ In 2017, Governor Raimondo signed into law the Protect Rhode Island Families Act which required individuals convicted of domestic violence misdemeanor offenses or subject to domestic

violence restraining orders to surrender their firearms.⁷ Finally, earlier this year, Governor Raimondo signed into law a ban on bump stocks,⁸ the Extreme Risk Protection Order (“Red Flag”) law,⁹ and legislation codifying the school safety committee and requiring submission of school safety assessments.¹⁰

But the persistence of gun violence in our state and across the county indicates there is more to be done. Over the course of our meetings, the Group received presentations on successful strategies for firearm suicide reduction in our and other states. We discussed the evidence supporting robust safe storage laws and public education about Extreme Risk Protection Order (“Red Flag”) legislation, drawn from other states. We discussed the importance of collaboration with gun owners, gun dealers, and veterans’ groups in suicide prevention. We also reviewed exemplars from other states about the value of collaborative data sharing about gun injuries and deaths, with the goal of preventing gun violence before it happens. We discussed the limitations in our own state’s data sharing on the issue of gun violence of all types. The Group achieved broad consensus that improved suicide prevention, improved data sharing and analysis, and improved collaboration between public health and law enforcement authorities is much-needed.

The Group also received presentations about successful models for non-violence training and education at public schools. Many of these programs rely on multi-disciplinary collaboration among schools, law enforcement, and social service agencies to identify and support at-risk youth. Although such models – some of which are already in place in Rhode Island – appear to have a positive impact on violence reduction, evidence of success is limited. The Group strongly agreed that we should encourage and financially support implementation of such programs throughout the state and seek to study their impact on violence reduction.

The Group heard from federal and local law enforcement about the challenges they encounter in stemming the illegal flow of guns into our cities. Police identified theft, straw-purchasing, and unrecorded private transactions as major sources of crime guns. In particular, crime guns are often brought into Rhode Island from other states where gun laws are more lax.¹¹ It is often difficult to trace such firearms to their lawful owner due to state and federal legal restrictions on retention of records documenting gun purchases. Police also discussed successful models of focused deterrence of individuals and groups responsible for driving much of the violence in our cities.

While all the recommendations included here enjoyed broad consensus from the Working Group, none enjoyed greater, or more vociferous support, than the need for more mental health resources at elementary and secondary schools. All the school administrators, educators, students, law enforcement members, academics and mental health representatives in the Group strongly believed that it is crucial to identify at-risk youth early on, provide them with consistent supports, and encourage schools to work

more closely with law enforcement and other community partners, to keep those youth from either falling prey to, or perpetrating, gun violence.

The Working Group also identified a number of important legislative priorities that, we believe, will help ensure that guns do not fall into the wrong hands. These include requiring purchasers of any firearm (not just handguns) to be 21 or older (subject to certain exceptions), requiring purchasers of any firearm (not just handguns) to complete an approved safety course, vesting the Rhode Island Attorney General (RIAG) with the sole authority to issue a gun safety certificate, commonly referred to as a “Blue Card,” and requiring a Blue Card for the purchase of any firearm. Additionally, there was strong support for vesting the RIAG with the *sole* authority for issuing concealed carry permits (CCP).

Finally, no discussion of gun violence reduction would be complete without addressing the vexing issue of high-capacity magazines and military-style assault weapons. The Working Group acknowledges that such weapons account for a fairly small percentage of overall gun deaths in this country (the vast majority of gun injuries and deaths are caused by handguns and suicides). The group also discussed statistics showing that high-capacity semi-automatic rifles have been the weapon of choice of terrorists, criminals and mass shooters, and that mass shootings that involve a high-capacity semi-automatic rifle have a higher death toll. Based on this discussion, the Working Group overwhelmingly supported a ban on high-capacity magazines. Such a ban would be relatively straight-forward to implement, would avoid the difficulty of defining what constitutes an “assault weapon,” and would target a principal risk posed by such weapons: the ability to rapid fire a large number of rounds without the need to reload. There is simply no place for such firepower in civilian life. While a clear majority of the Working Group wanted to go further and ban all military style assault weapons – as our neighboring states, Massachusetts, Connecticut, New York and New Jersey have done – the Working Group could not reach consensus for such a recommendation. Importantly, however, everyone agreed that registration and tougher restrictions on these weapons are warranted.

The Working Group’s Recommendations are summarized as follows:

1. **Data Collection and Transparency**
 - Improve statewide data collection, data integration and analysis to support reduction in gun crimes, deaths, and injuries.
2. **Streamline and Enhance Firearms Licensing and Permitting Rules**
 - Make the Rhode Island Attorney General’s Office (RIAG) the central agency for issuing permits to purchase firearms and CCPs.

- Transfer the responsibility for issuing a firearm safety certificate (“Blue Card”) from the Rhode Island Department of Environmental Management (RIDEM) to the RIAG.
 - Enhance the requirements necessary to obtain a Blue Card to purchase handguns and apply those requirements to all firearms.
 - Make the RIAG the sole permitting authority for CCPs and preserve the RIAG’s discretion to issue CCPs and preserve the RIAG’s discretion to issue CCPs.
 - Mandate that all private sales and transfers of firearms go through a federally licensed firearms dealer.
- 3. Regulation of Long Guns Including Military Style Assault Weapons**
- Raise the minimum age for purchase/possession of a long gun from 18 to 21, subject to certain exceptions.
 - Require purchasers of long guns to complete a safety course and obtain a safety certificate as is required for handguns.
 - Strengthen the regulation of military-style assault weapons and require that they be registered with a state or local law enforcement agency.
- 4. High-Capacity Magazines**
- Ban all magazines capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition.
- 5. Ghost Guns and 3D-Printed Guns**
- Ban the sale, purchase and possession of unfinished receivers/frames that can be readily finished and assembled into unregistered and untraceable firearms.
 - Ban the production, possession, purchase or sale of 3-D printed firearms, which, in addition to being untraceable, may also be undetectable firearms.
 - Train law enforcement in the identification and detection of such firearms.
- 6. School-Related Recommendations**
- Prohibit the concealed carry of firearms on school grounds and within 1,000 feet of elementary or secondary schools, consistent with federal law, and in government buildings.
 - Ensure access to licensed mental health professionals for all elementary and secondary public school students.
 - Research and implement best practices for school counselors and educators to facilitate (1) early detection of warning signs and (2) referral of youth at risk of self- or other-directed violence for mental health treatment.
 - Encourage creation of multi-disciplinary threat assessment teams to address at-risk students.
 - Encourage schools to incorporate evidence-based non-violence and anti-bullying educational programs into school curriculums at all levels.

- Provide schools with additional funding to support these initiatives.

7. Criminal Gun Violence

- Establish a standing federal-state-local law enforcement task force to proactively focus on individuals/organizations that drive gun violence in the urban centers.
- Expand collaboration between non-governmental organizations (“NGOs”) focused on violence prevention and local police departments.
- Strengthen penalties for straw purchasing & false statements in firearms application, failure to report stolen firearms, and false reporting of stolen firearms.
- Ensure that police departments trace all firearms seized in connection with crimes, timely submit them to the Rhode Island State Crime Laboratory for NIBIN analysis and follow up on the results.

8. Safe Storage

- Establish a new standard for safe gun storage that makes gun owners responsible for the security of their guns whenever they are not in use.

9. Suicide Prevention

- Increase public awareness of suicide prevention resources with key audiences: firearm dealers, educators, and healthcare providers.
- Increase public awareness of the “Red Flag” law, which can allow families or loved ones to collaborate with law enforcement to temporarily remove guns from possession of people at risk of suicide.

10. Mental Health & NICS Reporting

- Consider broadening current NICS reporting requirements to support compliance with federal and state law. This would include reporting to NICS determination of incompetency and probate guardianships.
- Convene a small working group of mental health providers, attorneys, and members of the judiciary to craft legislation and rules that clarify under what circumstances qualified mental health providers should identify individuals who pose a significant risk of harm to themselves or others to law enforcement for the purpose of removing their firearms and provide a mechanism for such reporting.
- Require regular training of law enforcement and the judiciary on use of the “Red Flag” law and NICS reporting of individuals who should not have access to firearms based on a significant danger of causing harm to themselves or to others.
- Create training and educational resources for the judiciary, law enforcement, hospitals, health care providers, and educators on the recently enacted Extreme Risk Protection Order (“Red Flag”) law, other available resources for at-risk individuals, and (when appropriate) NICS reporting.

These proposals represent the Working Group’s broad consensus about where our State’s gun policy priorities should be, and are based on the best available policy, criminal justice, and public health evidence. We recommend that the work we began continue through a number of smaller, more targeted working groups that will focus on data gathering and analysis, mental health and NICS reporting, and school and urban gun-violence reduction.

¹ See <https://www.cdc.gov/nchs/pressroom/states/rhodeisland/rhodeisland.htm>. For 2016, the CDC reported a rate of 4.1 firearm deaths per 100,000 as compared to a national rate of 11.8.

² See National Center for Health Statistics, at www.cdc.gov/nchs/index.htm. The Center for Disease Control and Prevention (CDC) listed 36,252 firearm deaths in 2015, compared with 38,658 firearm deaths in 2016. According to CDC data for 2016, about 1.3% of those were deemed “accidental,” 0.3% were attributed to mass shootings, 39% were homicides & legal interventions, and 59% were suicides.

³ *Id.*

⁴ Jaclyn Schildkraut et al., *Can Mass Shootings be Stopped?*, Rockefeller Institute of Government Policy Brief (May 22, 2018), found at www.rockinst.org. The brief was commissioned by the Multi-State Consortium which is part of the States for Gun Safety Coalition formed in February 2018 by Connecticut, Delaware, Massachusetts, New Jersey, New York, Puerto Rico and Rhode Island.

⁵ Aaron Karp, *Estimating Global Civilian Firearms Numbers*, Small Arms Survey (Geneva, Switzerland 2018). According to the report, it is estimated that there are over 390 million civilian-held legal and illicit firearms in the United States. Between 2006-2017, civilians acquired at least 122 million new or imported firearms. According to the report, there has been a “dramatic[] shift in public gun purchasing pattern in the past decade, as pistols and semi-automatic rifles became increasingly dominant, influenced by the expiry of the Federal Assault Weapons Ban in 2004 and changing consumer preferences.” The report cited data from the National Shooting Sports Foundation (NSSF), semi-automatic rifles accounted for a growing share of rifle sales, reaching 13% of all new gun purchases in 2012. Additionally, semi-automatic pistols outsold revolvers by more than 4 to 1 since 2012.

⁶ R.I. Gen. Laws § 40.1-5-8

⁷ H-5510-SubA, codified at R.I. Gen. Laws §§ 11-47-5; 11-47-5.3-5.5.

⁸ H-7075 Sub A, codified at R.I. Gen. Laws §§11-47-2, 11-47-8, 11-47-8.1

⁹ H-7688 Sub A, as amended, codified at R.I. Gen. Laws §§8-8.3-1.

¹⁰ H-7694 Sub A, codified at §§ 16-21-23

¹¹ See, e.g., Amanda Milkovitz, *26 Indicted on Federal Firearms, Drug Charges*, Providence Journal (Oct. 1, 2018) (describing seizure of more than two dozen guns, including guns trafficked from Tennessee and guns acquired by straw-purchasers.)

SUPPORT DATA COLLECTION & INTEGRATION

Improve statewide data collection, data integration and analysis to support reduction in gun crimes, deaths, and injuries.

Background:

- Reliable data on the incidence of gun crimes, injuries and deaths is critical to determining how to appropriately expend resources on gun crime enforcement and injury prevention, and to inform future legislation and policy.
- At the national level, federal prohibitions on the use of funds to research firearm injury prevention hamper reliable, national-level public health research on deaths and injuries caused by firearms.¹
- State and local law enforcement agencies, as well as the Rhode Island State Crime Laboratory, collect data on gun crimes and seizures. Additionally, the Rhode Island Department of Health (“RIDOH”) collects data on firearm injuries and deaths.
- These data streams are not sufficiently integrated, shared, or readily accessible to the public, academics, prevention groups, or policy makers, even as, in other areas of policy, public-facing data resources proliferate.²

Discussion:

- Public-facing data resources are important tools for the development of evidence-based policies – they facilitate scholarly and public input for informing best practices.
- A public health approach to address deaths and injuries caused by firearms requires evidence to address the scope of the problem, identify risk and protective factors, develop appropriate interventions, and implement and evaluate the success of those interventions. Data is essential to accomplish those tasks.
- Rhode Island has invested heavily in the development of public-facing data resources to inform public policy. Notably, the creation of the website, <http://preventoverdoseri.org>, has ensured a wide variety of overdose crisis response indicators are available for public review.
- Although there are many available sources of data kept by various local, state and federal agencies, they are not integrated in such a way as to make them readily accessible or useful in informing policy and intervention strategies.
- Likewise, there is no readily accessible data source to obtain state-wide information regarding firearm injuries and deaths.

- Given national-level policies that discourage federal and federally-funded agencies from gathering data on firearms crimes, injuries and deaths, it is essential for states to invest in resources that enable them to collect this data to develop evidence-based policy.
- Consistent data collection on the following aspects of gun injuries/deaths would empower public health agencies, law enforcement, research institutions, and the general public to create better gun policies:
 - (1) Suicide/suicide attempt, accidental discharge, or crime;
 - (2) Type of gun/ammunition used;
 - (2) Whether the gun was possessed lawfully or unlawfully;
 - (3) Gun source (based on ATF tracing and/or investigation);
 - (4) Date of purchase, if known;
 - (5) Indication of any factor that would disqualify the person from possessing a gun (including presence of a restraining order or extreme risk protection order);
 - (6) Location of crime;
 - (7) Offense committed (including whether it was a domestic violence crime);
 - (8) Whether the firearm was connected to other shootings (based on NIBIN analysis or other investigation);
 - (9) Demographics of person using firearm;
 - (10) Demographics of victim(s) and whether there was any relationship with the perpetrator;
 - (11) Nature of the injuries; and
 - (12) Whether death(s) resulted.
- As Rhode Island is a member of the States for Gun Safety Coalition, we should collaborate with member states on data collection and sharing to the extent possible.

Proposals:

- Create an internet-based “dashboard” of key gun statistics for public review modeled on the PreventOverdoseRI.org website. These statistics could include: statewide firearms deaths (suicides and homicides/intentional and accidental), injuries, crimes involving firearms, types of firearms involved, whether or not legally possessed, source of the firearm, whether the same firearm was used in multiple incidents, and demographics of the perpetrator and/or victim(s). Consider inclusion of additional variables that may predict future firearm violence (e.g., non-firearm assaults). This dashboard should draw and expand on existing data sources kept by local, state and federal law enforcement agencies, the CDC and RIDOH.
- Identify source of funding for this website. Potential sources include nonprofit foundations and academic institutions supporting public health research in the

area of injuries/death caused by firearms. Consider entrusting RIDOH, perhaps in collaboration with one of our colleges or universities, with the oversight authority over such a website to ensure inclusion of data from public health agencies, a public-health informed approach to data gathering and analysis, and appropriate privacy safeguards.

- Create a permanent working group comprised, *at a minimum*, of representatives of the Rhode Island Police Chiefs Association, the Rhode Island State Police, the State Police Fusion Center, the Rhode Island Attorney General's Office, the Rhode Island State Crime Laboratory, and RIDOH to regularly review the data collection, identify weaknesses in the data collection, and identify any trends/areas of concern. This group should also consider how to best collaborate with the States for Gun Safety Coalition in data collection and data sharing. Consider inclusion of academics specializing in criminal justice, public health, and gun safety research as well as other community representatives with relevant experience.
- Develop a process for ensuring that data collected for and presented on the internet dashboard is used to inform evidence-based policy. Determine which variables should be available for public viewing vs. limited viewing due to privacy concerns.

¹ See Pub. L. 104-208. 110 Stat. 244. 30 Sept. 1996.

² See, e.g., <http://preventoverdoseri.org/> for centralized presentation of overdose statistics in Rhode Island.

STREAMLINE AND ENHANCE FIREARM LICENSING AND PERMITTING RULES

- **Make the Rhode Island Attorney General’s Office (“RIAG”) the central agency for issuing permits to purchase firearms and concealed carry permits.**
- **Transfer responsibility for issuing a firearm safety certificate (“Blue Card”) from the Rhode Island Department of Environmental Management (“RIDEM”) to the RIAG.**
- **Enhance the requirements necessary to obtain a Blue Card to purchase handguns and apply those requirements to all firearms.**
- **Make the RIAG the sole permitting authority for concealed carry permits (“CCP”) and preserve the Attorney General’s discretion to issue CCPs.**
- **Mandate that all private sales and transfers of firearms go through a federally licensed firearms dealer (“FFL”).**

Background:

- Rhode Island’s legal framework governing the purchase of firearms is anachronistic and unnecessarily complex. The current framework does not make logical sense in that it imposes different standards for the purchase of handguns and long guns. Furthermore, the framework disperses responsibility over the administration of these various rules between the RIAG, RIDEM, and state and local police departments.
- Under Rhode Island law, handguns may only be sold to or possessed by persons 21 years or older. Long guns (including semi-automatic rifles), by contrast, may be sold to persons 18 years or older.¹
- Blue Cards
 - Currently, to purchase a handgun in Rhode Island, the buyer must present a safety certificate, also known as a “Blue Card.” RIDEM is responsible for issuing the Blue Cards and for administering a basic pistol/revolver safety course.² Pursuant to R.I. Gen. Laws § 11-47-35(b)(1), the safety course must consist of at least two hours of instruction in the safe use and handling of pistols and revolvers.
 - However, anyone can opt out of the safety course by taking a 50-question multiple question test that may be administered by any federally licensed firearms dealer. A score of 80 points or higher is required to pass.
 - Purchasers are not required to take any safety course or pass any test prior to purchasing a long gun, including semi-automatic rifles.

- Proficiency in the use of firearms is not a requirement for the issuance of a Blue Card.
- Under current law, a Blue Card has no expiration date but must be presented before the purchase of any handgun. If the Blue Card was lost, the buyer must apply for a new Blue Card (including retaking the test).
- Current law also requires that gun dealers send a copy of the application to purchase a firearm to the police department in the city or town where the purchaser resides (or to the State Police) for a background check.³ Another copy is sent to the RIAG. Current law requires both the police department and the RIAG to destroy copies of the firearms purchase application within 30 days.⁴
- Rhode Island is a universal background check state, which means that private sellers must conduct the same background checks as FFLs do. Practically speaking, however, many private sellers are unsure how to accomplish this task. Unlike Massachusetts, private sellers cannot use a centralized web portal to ensure that the validity of the purchaser's qualification to purchase a firearm or report the transaction.
- Concealed Carry Permits ("CCP")
 - Current law provides two paths to obtaining a CCP in Rhode Island.
 - The RIAG "may" issue such a permit to any person 21 years or older "upon a proper showing of need" or to a police officer who retired in "good standing."⁵
 - A police chief in the town where the applicant resides shall issue such a permit to a person 21 years or older "if it appears that the applicant has good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver, and that he or she is a suitable person to be so licensed."⁶
 - To obtain a CCP, the applicant must present certification that he/she has qualified with a pistol or revolver of a caliber equal to or larger than one he or she intends to carry. Qualification consists of firing a score of 195 or better out of a possible score of 300 with 30 consecutive rounds at a distance of 25 yards, firing at "slow" fire.⁷

Discussion

A. Enhancing the "Blue Card" System:

- It is considerably more difficult to get a state boating license than it is to pass a course required for purchasing a firearm. Rhode Island does not require a prospective handgun purchaser to actually enroll in the safety course before taking the Blue Card exam. Instead, prospective buyers can quickly peruse a

firearm safety booklet and take the Blue Card exam at a local gun shop without ever receiving formal instruction on firearm safety or use. The test is often administered not by the government agency but by the gun dealers themselves. Accordingly, there is often no way to verify whether the test was properly administered. (In contrast, the DMV administers the tests for obtaining a drivers' license, but individuals can take classes at any number of approved locations).

- A revamped firearms safety test could be a useful tool for both improving actual gun safety and improving compliance with state and federal firearms law thereby reducing the flow of guns to criminals. Thus, a revamped test should also test knowledge of firearms laws such as mandatory reporting of stolen guns, prohibition on straw purchasing, safe storage requirements, and required procedures for personal sales (all of which are significant sources of crime guns).
- A more rigorous application process administered by the RIAG would provide additional deterrence to individuals who might otherwise attempt to purchase a firearm even though they might be prohibited from doing so, or who are acting as a straw-purchaser.
- Requiring Blue Cards to be renewed every 10 years would further incentivize individuals to adhere to state and federal laws and would provide another opportunity to verify that individuals who are permitted to purchase firearms are not prohibited under state or federal law.
- Law enforcement members of the Working Group also noted that the requirement that applications to purchase firearms be destroyed within 30 days should be revisited. This requirement hampers detection of straw-purchasers and significantly hampers efforts to trace crime guns and community guns.

B. Amending the Concealed Carry Permit Laws:

- The discrepancy between the standards for issuing a CCP between the RIAG and the local police chiefs is illogical and inexplicably affords persons who fear that they may be denied a permit by the RIAG an opportunity to “forum shop.” Law enforcement members of the Working Group opined that most police departments were not in favor of the “shall issue” standard in the law.
- There is no way to readily ascertain how many CCPs were issued in the state, by whom, or if the standards for issuing a CCP are uniformly applied among the various police departments.
- Finally, the testing standards have not been updated since 1975. Since then, there have been many technological and design improvements to firearms, as well as a proliferation of new firearms, requiring updated training standards.

C. Examples from Neighboring States:

- Connecticut requires gun buyers to obtain an eligibility certificate from the Department of Emergency Services and Public Protection to purchase a firearm. The certificate is valid for a period of five years.⁸ The buyer is required to complete a handgun safety course prior to submitting the application.⁹ The safety course must consist of no less than the NRA's "Basic Pistol Course,"¹⁰ which includes eleven lessons and takes approximately eight hours to complete.¹¹ Connecticut also requires a concealed carry applicant to complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of pistols and revolver.¹²
- Massachusetts requires all firearm purchasers to first obtain a license. In order to obtain this license, the applicant must submit to the licensing authority a basic firearms safety certificate.¹³ The certificate is valid for a period of ten years.¹⁴ The training course must be approved by the Colonel of the Massachusetts State Police and must contain instruction on: (a) the safe use, handling and storage of firearms; (b) methods for securing and childproofing firearms; (c) the applicable laws relating to the possession, transportation and storage of firearms; and (d) knowledge of operation, potential danger and basic competency and usage of firearms.¹⁵
- With respect to CCPs, our neighboring states also have more stringent requirements. Massachusetts, for example, requires Firearm Identification Card, License to Carry, and Permit to Purchase applicants to enroll in an approved firearms safety course that includes instruction on: safe use, handling, and storage of firearms; methods for securing and childproofing firearms; applicable laws relating to possession, transportation, and storage of firearms; and knowledge of operation, potential dangers and basic competency in the ownership and usage of firearms.¹⁶
- Finally, New Jersey requires that applicants for a permit to carry a handgun demonstrate a "thorough familiarity" with the safe handling and use of handguns, as evidenced by: (1) completion of a firearms training course substantially equivalent to the firearms training approved by the Police Training Commission; (2) submission of the applicant's most recent handgun qualification scores utilizing the handgun(s) he or she intends to carry; and (3) a passing score on a test of New Jersey's laws governing the use of force.¹⁷

Proposals:

- Require purchaser of any firearm – handgun or long gun – to:
 - (1) complete an approved firearms safety course (subject to certain exemptions for military, law enforcement, and current Blue Card holders) that (a) includes information about state and federal firearms laws as well

as safe handling and safe storage requirements and (b) contains an acknowledgement of state laws mandating the reporting of lost and stolen firearms, private transfer, and safe storage laws, *and*

(2) pass a revamped test administered solely by the RIAG.

- Vest the RIAG with sole authority for issuing a Blue Card.
 - Require the RIAG to conduct a background check for any prohibitors prior to issuing the Blue Card.
 - Require the Blue Card to be renewed every ten years except that a person need not retake the safety course if they pass the licensing test.
 - Allow the RIAG to revoke the Blue Card if the person is later found to be prohibited under Rhode Island or Federal law or has been found to violate any R.I. weapons laws.
- Repeal R.I. Gen. Laws § 11-47-11 and vest the RIAG with sole discretion and authority to issue CCPs.
 - Increase the minimum qualifications necessary to obtain said permit based on criteria developed by the Rhode Island State Police (“RISP”) and the Commission on Police Officer Standards and Training (“POST”) as the current criteria appears to be outdated.
 - To the extent this is not already done, require the RIAG to check with the local police department for the town where the applicant resides and to conduct a background check for any prohibitors prior to issuing the CCP.
 - The required qualification for CCP renewal should be passed bi-annually.
 - Provide authority to revoke the CCP if the person is found to be prohibited under Rhode Island or Federal law or has been found to violate any R.I. weapons laws.
 - Create a separate permit for retired law-enforcement, based on criteria recommended by the RISP and the POST that explicitly designates that permit holder as a retired police officer.
- Require all private sales and transfers of firearms (whether from in-state or out of state sellers, whether handguns or long guns) to proceed through an FFL.
- Current law already requires the RIAG to provide a report to the General Assembly on the number of firearms purchase applications made and denied.¹⁸ Should the rest of the recommendations be accepted, the law should be amended to include data on the number of Blue Cards issued and denied, the number of CCPs issued and denied, and the reason for the denial.
- Some consideration should be given to repealing the requirement that firearms purchase applications must be destroyed by the local police department or RIAG within 30 days. Allowing for a longer period of retention, perhaps with some additional privacy protections, would allow law enforcement to more effectively identify straw-purchasers and trace firearms used in crimes.

¹ See R.I. GEN. LAWS §§ 11-47-35(a)(1), 11-47-35.2, 11-47-37.

² Buyers may, as an alternative, demonstrate proof of passage of RIDEM's basic hunter safety course (i.e., an "Orange Card"). R.I. GEN. LAWS § 11-47-35(c). While RIDEM, as the regulator of hunting in Rhode Island, should continue to administer and regulate the basic hunter safety course and hunter permits, it does not make sense for RIDEM to be the administrator of all firearms permitting in the state, nor should the hunting permit replace the general requirement to obtain a firearm purchase permit and pass a general firearms safety course and test.

³ This is in addition to the NICS check that is conducted by the licensed firearms dealer.

⁴ See R.I. GEN. LAWS 11-47-35(a)(2).

⁵ R.I. GEN. LAWS § 11-47-18.

⁶ *Id.* § 11-47-11.

⁷ R.I. GEN. LAWS § 11-47-15.

⁸ CONN. GEN. STAT. § 29-36h(b).

⁹ *Id.* § 29-36f(b)(1).

¹⁰ DEP'T OF EMERGENCY SERVS. & PUB. PROT., "Special Licensing and Firearms," <http://www.ct.gov/despp/cwp/view.asp?a=4213&q=494614#eligibility>.

¹¹ NAT'L RIFLE ASS'N, "Basics of Pistol Shooting Online Course: FAQ," <https://basicpistol.nra.org/faq/>.

¹² See CONN. GEN. STAT. § 29-28(b).

¹³ MASS. GEN. LAWS ch. 140, § 131P(a).

¹⁴ *Id.* § 131P(b).

¹⁵ *Id.*

¹⁶ See *id.*

¹⁷ N.J. ADMIN. CODE § 13:54-2.4.

¹⁸ See R.I. GEN. LAWS § 11-47-35.3.

REGULATION OF LONG GUNS INCLUDING MILITARY STYLE ASSAULT WEAPONS

- **Raise the minimum age for purchase/possession of a long gun from 18 to 21, subject to certain exceptions.**
- **Require purchasers of long guns to complete a safety course and obtain a safety certificate as is required for handguns.**
- **Strengthen the regulation of military-style assault weapons and require that they be registered with a state or local law enforcement agency.**

Background:

- The minimum age for purchase/possession of long guns (rifles/shotguns) in Rhode Island is 18.¹ By contrast, the minimum age for purchase/possession of a handgun is 21.²
- Unlike with the purchase of a handgun, purchasers of long guns are not required to complete a safety course and obtain a safety certificate.
- Rhode Island does not ban military-style assault weapons. Under current law, an 18-year old is prohibited from purchasing a handgun but may purchase a high-capacity semi-automatic rifle. Additionally, no safety course /safety certificate is required to purchase such a firearm.
- The term “assault weapons” generally refers to a subset of semi-automatic rifles and pistols that contain certain military features such as the ability to accept a detachable, high-capacity magazine *and* at least one feature that provides enhanced control during sustained rapid firing.
 - The Federal Assault Weapons Ban, in place from 1994 to 2004, defined Assault Weapons by reference to a list of 18 prohibited models as well as “copies and duplicates” of those weapons or by using a generic two-feature test.³ The federal law was criticized for having numerous loopholes that allowed gun manufacturers to easily circumvent the definition of assault weapon. Additionally, the law exempted all pre-ban assault weapons.

Discussion:

- There is no logical justification for having disparate minimum age requirements for the purchase/possession of handguns and long guns.
- A 2011 Bureau of Justice Statistics Report found that nearly 50% of all gun homicides are committed by people younger than 25 and that those between the

ages of 18-24 consistently accounted for the largest number of homicides among all age groups.⁴

- Allowing an 18-year old to purchase or possess a high capacity semi-automatic rifle makes little sense when (s)he cannot purchase a pistol, a beer, or a glass of wine.
- The same exceptions currently in place for firearm possession by minors would remain, and simply extend to cover those who are younger than 21.⁵ These exemptions include lawful, supervised, hunting activity, the Reserve Officers' Training Corps or "ROTC" training, supervised marksmanship and sports shooting activities, and organized camp and school activities. Additionally, those who are enlisted in the military or in law enforcement would be exempt.
- Hawaii and Illinois have a minimum age of 21 for the purchase or possession of long guns.⁶ New York City has a minimum age of 21 for possession of long guns, unless under the direct supervision of a permit holder or if engaged in military drill, competition, or target practice.⁷
- While it is true that that assault weapons account for a small percentage of gun murders each year (the vast majority of gun homicides are committed using handguns), assault weapons are the weapons of choice of mass shooters.⁸
 - The number of people killed in mass shootings went down in the years the ban was in effect and has doubled since the ban's expiration.⁹
- In the years following the enactment of the 1994 Federal Assault Weapons Ban, the number of crimes involving assault weapons dropped.
 - The use of assault weapons in crime declined by 70% nine years after the 1994 Assault Weapons Ban took effect, according to a study conducted on behalf of the National Institute of Justice.¹⁰
 - A 2004 Study by the University of Pennsylvania commissioned by the National Institute of Justice found that the assault weapons ban could not be clearly credited with a drop in gun violence from 1994-2004 because assault weapons only accounted for 2-8% of gun crimes. However, the study also noted that a ban on large capacity magazines (LCM) largely had a greater impact on a drop in gun violence. The study noted that the grandfathering of pre-ban LCMs and assault weapons likely blunted the efficacy of the ban as there were millions of assault weapons already in circulation at the time.¹¹
 - A 2017 study in the Journal of Urban Health found that law enforcement recovery of assault weapons in cities nationwide fell while the ban was in place – indicating they were used in fewer crimes – but increased after the ban expired.¹²
- Shootings involving semi-automatic rifles produce more lethal and injurious outcomes.¹³
- Federal Courts have repeatedly held assault weapons ban to be constitutional.¹⁴ Thus, the claim that they violate the Second Amendment is without merit.

- Since the Federal Assault Weapons Ban expired in 2004, at least 887 people have been killed and 1,578 injured by military-style assault weapons.¹⁵ Recent mass shootings involving military-style assault weapons include¹⁶:
 - Parkland, FL (2018): A 19-year-old former student used an M&P15 AR-15 military style rifle to murder 17 students and educators during an attack at Marjory Stoneman Douglas High School.
 - Sutherland Springs, TX (2017): The assailant used a Ruger AR-556 rifle to murder 25 innocent churchgoers and wound nearly 20 others at the First Baptist Church.
 - Las Vegas, NV (2017): A shooter armed with more than 20 assault style weapons and 12 bump-fire stocks killed 58 people and wounded over 500 others at a country music festival.
 - Orlando, FL (2016): A shooter used a Sig Sauer MCX assault rifle to kill 49 innocent victims and wound 58 at an LGBT nightclub.
 - San Bernardino, CA (2015): Two shooters used AR-15 style weapons to murder 14 and wound more than 20 others.
 - Newtown, CT (2012): A shooter armed with a Bushmaster semiautomatic assault rifle and other firearms killed 26, including 20 children, at Sandy Hook Elementary School.
 - Aurora, CO (2012): A gunman wielding a Smith & Wesson M&P15 semiautomatic assault-style rifle opened fire in a movie theater, killing 12 people and injuring 58.
- A majority of Americans favor banning military style assault weapons (68%) and high-capacity magazines (65%) according to a 2017 Pew Research Center poll.
- Seven states – California,¹⁷ Connecticut,¹⁸ Hawaii,¹⁹ Maryland,²⁰ Massachusetts,²¹ New Jersey,²² and New York²³ – and Washington, D.C. have banned military style assault weapons. Of those, all but Hawaii (which only bans assault pistols) and New York list banned weapons by name. California, Connecticut, Washington, D.C., New Jersey and New York also employ a one-feature test to define an assault weapon. Massachusetts and Maryland employ the two-feature test.

Proposals:

- Amend R.I. Gen. Laws §§ 11-47-32 and 11-47-33 to provide that it shall be unlawful for any person under the age of 21 to possess a firearm or ammunition subject to the exceptions discussed above.
- Amend R.I. Gen. Laws § 11-47-34 to provide that only the Rhode Island Attorney General (“RIAG”) may issue a permit to a person under the age of 21 subject to the same requirements presently found in the statute. (Refer to the recommendations regarding firearms licensing and permitting).

- Repeal R.I. Gen. Laws §11-37-35.2 and amend § 11-47-35 to include the sale of all firearms. (Refer to recommendations regarding enhancement of the safety course and permitting framework).
- A majority of the Gun Safety Working Group favored legislation banning military-style assault weapons by name and a single feature test. This recommendation would incorporate an exemption for pre-ban, lawfully owned assault weapons as long as they were registered with law enforcement.
- A minority of the Gun Safety Working Group believed that an assault weapons ban would not be necessary if legislation were passed that would: (1) raise the minimum age to purchase/possess to 21, (2) enhance the requirements to purchase such weapons (see recommendation regarding requiring a safety course and test prior to purchase of long guns), and (3) require registration of all assault weapons with law enforcement and/or the RIAG, which would require amending R.I. Gen. Laws § 11-47-4.²⁴
- The consensus recommendation was that, at the very least, regulation of assault weapons should be significantly strengthened, and assault weapons should be registered with a state or local law enforcement agency.

¹ R.I. GEN. LAWS § 11-47-35.2(a).

² *Id.* § 11-47-35(a)(1).

³ 18 U.S.C. § 922(v)(1) (repealed 2004).

⁴ <https://www.bjs.gov/content/pub/pdf/fv9311.pdf>.

⁵ See R.I. GEN. LAWS § 11-47-33.

⁶ HAW. REV. STAT. ANN. §134-2(a), (d). 430 ILL. COMP. STAT. 65/2- 65/4 (Illinois allows individuals under 21 to purchase long guns if a legal guardian, who is not prohibited from having a gun, signs off).

⁷ New York, N.Y., Charter §§ 462–465; Admin. Code §10-303 et seq.

⁸ Jaeah Lee, et. al, *More than Half of Mass Shooters Used Assault Weapons and High-Capacity Magazines*, Mother Jones (Feb. 27, 2013).

⁹ Christopher Ingraham, *It's Time to Bring Back the Assault Weapons Ban, Gun Violence Experts Say*, WASH. POST (Feb. 15, 2018)

https://www.washingtonpost.com/news/wonk/wp/2018/02/15/its-time-to-bring-back-the-assault-weapons-ban-gun-violence-experts-say/?utm_term=.07f221a55162.

¹⁰ Christopher S. Koper, et. al, *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, U. PENN. JERRY LEE CTR. OF CRIMINOLOGY (June 2004).

¹¹ *Id.*

¹² Christopher S. Koper, et. al, *Criminal Use of Assault Weapons and High-Capacity Semiautomatic Firearms: An Updated Examination of Local and National Sources*, 95 J. URBAN HEALTH 313 (Oct. 2017).

¹³ See, e.g., Heather Sher, *What I Saw Treating the Victims from Parkland Should Change the Debate on Guns*, ATLANTIC (Feb. 22, 2018),

<https://www.theatlantic.com/politics/archive/2018/02/what-i-saw-treating-the->

victims-from-parkland-should-change-the-debate-on-guns/553937/; Sarah Zhang, *What an AR-15 Can Do to the Human Body*, WIRED (June 17, 2016), <https://www.wired.com/2016/06/ar-15-can-human-body/>.

¹⁴ See, e.g., *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (en banc) (Maryland’s assault weapons ban does not violate the Second Amendment), *New York State Rifle & Pistol Ass’n v. Cuomo*, 804 F.3d 242 (2d Cir. 2015) (New York and Connecticut laws prohibiting possession of semiautomatic assault weapons and large-capacity magazines do not violate the Second Amendment); *Friedman v. City of Highland Park*, 784 F.3d 406 (7th Cir. 2015) (upholding local ordinance prohibiting assault weapons and large capacity ammunition magazines); *Heller v. District of Columbia (“Heller II”)*, 670 F.3d 1244, 1260-64 (D.C. Cir. 2011) (upholding the District of Columbia’s ban on assault weapons and large capacity ammunition magazines after applying intermediate scrutiny); *Fyock v. City of Sunnyvale*, 779 F.3d 991 (9th Cir. 2015); *Kampfer v. Cuomo*, 993 F. Supp. 2d 188, at *17-19 & n.10 (N.D.N.Y. 2014) (upholding New York’s assault weapons ban by finding it does not substantially burden Second Amendment rights) *aff’d*, 643 F. App’x 43 (2d Cir. 2016); *People v. James*, 174 Cal. App. 4th 662, 676-77 (2009) (upholding California’s ban on assault weapons and .50 caliber rifles).

¹⁵ https://www.feinstein.senate.gov/public/_cache/files/7/a/7a90bb52-98a6-4b05-8bbf-2020ee9dffaa/F0283A0EE8349220C5CD88CB3F1B6D44.271164-assault-weapons-ban.pdf

¹⁶ The Terrible Numbers that Grow with Each Mass Shooting, WASH. POST (database last updated Sept. 14, 2018).

https://www.washingtonpost.com/graphics/2018/national/mass-shootings-in-america/?utm_term=.0b85b35b3e92.

¹⁷ CAL. PENAL CODE §§16350,16790, 16890, 3050-31115.

¹⁸ CONN. GEN. STAT. § 53-202a - § 53-202o.

¹⁹ HAW. REV. STAT. §§ 134-1, 134-4, 134-8.

²⁰ MD. CODE ANN., CRIM. LAW §§ 4-301 -4-306; MD. CODE ANN., PUB. SAFETY § 5-101(r)

²¹ MASS. GEN. LAWS ch. 140, §§ 121-, 122, 123, 131M.

²² N.J. STAT. ANN. §§ 2C:39-1, 2C:39-5, 2C:58-5, 2C:58-12, 2C:58-13.

²³ N.Y. PENAL LAW §§ 265.00(22), 265.02(7), 265.10, 400.00(16-a).

²⁴ During this discussion, law enforcement members of the Working Group voiced a strong desire to revisit a long-standing Rhode Island law that prohibits any government agency from maintaining a register of firearms. R.I. GEN. LAWS § 11-47-41 (1959). Law enforcement members of the Working Group noted the grave danger posed to law enforcement executing search warrants, responding to domestic violence calls, or seeking to enforce firearms surrender ordered due to a domestic violence restraining order or conviction, or an extreme risk protection order. Additionally, law enforcement agents noted the difficulties inherent in tracing firearms used in crimes, or enforcing straw-purchasing laws, absent such records. Additionally, RISP Capt. Borek who serves on a Multi-State Firearms Working Group and Maj. Jagoda, formerly of the Connecticut State Police, both noted that Rhode Island trails far behind other states in

the records it maintains on firearms licenses, purchases, or seizures as compared to neighboring states. While the issue of the firearms register was not discussed or analyzed at length by the Working Group, the General Assembly may wish to study whether further modifications to this provision may be warranted.

HIGH-CAPACITY MAGAZINES (HCMs)

Ban all magazines capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition.

Background:

- While statutory definitions vary, high-capacity magazines (“HCMs”) (also known as large-capacity magazines, or “LCMs”) are generally defined as magazines with a capacity of more than ten rounds of ammunition.
- In 1994, Congress adopted the Violent Crime Control and Law Enforcement Act, making it unlawful to transfer or possess a “large capacity ammunition feeding device” not lawfully possessed before the law’s enactment. The law was adopted with a sunset clause, however, and expired in 2004.¹
- Rhode Island has no laws regulating HCMs.

Discussion:

- The use of HCMs increases the lethality of gun violence. Indeed, shooters who use assault weapons or high-capacity magazines in mass shootings shoot 155% more people and kill 47% more people, on average, than shooters who do not.²
- HCMs increases the probability of mass casualties by minimizing the time it takes to reload.
- HCMs have been used in recent mass shooting attacks, including:
 - Tucson, Arizona (2011)
 - Aurora, Colorado (2012)
 - Newtown, Connecticut (2012)
 - San Bernardino, California (2015)
 - Orlando, Florida (2016)
 - Las Vegas, Nevada (2017)
 - Sutherland Springs, Texas (2017)
- A 2004 study commissioned by the Department of Justice found that HCMs are used in crimes more often than Assault Weapons and accounted for 14%-26% of guns used in crimes prior to the Assault Weapons Ban. The study also found that firearms equipped with HCMs tended to account for a higher share of guns used in murder of police and in mass shootings, though such incidents were rare.³
- Federal and state hunting laws and regulations contain numerous restrictions on ammunition that receive scant attention or criticism. Yet, current law in Rhode Island (in contrast to our neighboring states) allows limitless access to ammunition that could lead to mass *human* casualties, of the type observed in Las Vegas, Nevada in 2017.

Examples from Neighboring States:

- Massachusetts,⁴ Connecticut,⁵ New York,⁶ and New Jersey⁷ have all banned high-capacity magazines.
- Massachusetts' ban exempts magazines that were lawfully possessed on September 13, 1994 (the date the federal ban took effect) and does not require registration of pre-ban magazines.⁸
- Connecticut's ban does not apply to high capacity magazines that were lawfully possessed before January 1, 2014, but lawful owners of such magazines must register them with the State Department of Emergency Services and Public Protection within a specified period.⁹
- New York and New Jersey did not grandfather preexisting HCMs. Upon enactment, HCM owners were required to either destroy them, or transfer them to a dealer, law enforcement, or someone residing out of state.
 - New York extends a 30-day grace period to an individual in possession of such a magazine manufactured before September 13, 1994, who is unaware that it is illegal. The individual is not required to dispose of the magazine until he or she is notified by law enforcement or county licensing officials that possession is unlawful.¹⁰

Proposal:

Unlike with the Assault Weapons Ban, the Working Group unanimously supported a ban on the sale, purchase, or possession of all magazines capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition. The Working Group recommended that a ban should allow for a post-enactment grace period to allow HCM owners to either register, surrender to law enforcement or a licensed dealer, modify, or destroy existing HCMs.

¹ 18 U.S.C. § 922(w) (repealed 1994)

² *Analysis of Recent Mass Shootings*, EVERYTOWN FOR GUN SAFETY 4 (Aug. 2015), <https://everytownresearch.org/documents/2015/09/analysis-mass-shootings.pdf>; see also *Analysis of Recent Mass Shootings*, MAYORS AGAINST ILLEGAL GUNS (2013), <http://libcloud.s3.amazonaws.com/9/56/4/1242/1/analysis-of-recent-mass-shootings.pdf>.

³ Christopher S. Koper, *An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, June 2004. Found at, <https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf>.

⁴ Massachusetts defines "large capacity feeding device" as "a fixed or detachable magazine . . . capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun shells" or "a large capacity ammunition feeding device as defined in . . . 18 U.S.C. § 921(a)(1)." The definition does not include "an attached tubular device designed to accept, and capable of operating only with, .22 caliber ammunition." MASS. GEN. LAWS ch. 140, § 121.

⁵ Connecticut defines “large capacity magazine” as any firearm magazine that “has the capacity of, or can be readily restored or converted to accept, more than ten rounds of ammunition.” CONN. GEN. STAT. § 53-202w.

⁶ New York defines “large capacity ammunition feeding device” as a magazine that “has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition” or “contains more than seven rounds of ammunition” or is obtained after 2013 and “has a capacity of, or that can be readily restored or converted to accept, more than seven rounds of ammunition.” The definition does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition or a feeding device that is a curio or relic. N.Y. PENAL LAW § 265.00(23). New York also limits any person to putting seven rounds of ammunition into a magazine, unless the person is at an incorporated firing range or competition recognized by the NRA or International Handgun Metallic Silhouette Association, in which case the limit is ten rounds. *Id.* § 265.20(7-f).

⁷ New Jersey defines “large capacity ammunition magazine” as a “box, drum, tube or other container which is capable of holding more than 10 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm.” This definition does not include “an attached tubular device which is capable of holding only .22 caliber rimfire ammunition.” N.J. STAT. ANN. § 2C:39-1(y).

⁸ See MASS. GEN. LAWS ch. 140, § 131M.

⁹ See CONN. GEN. STAT. § 53-202x.

¹⁰ See N.Y. PENAL LAW § 265.36.

BAN “GHOST GUNS” AND 3-D PRINTED GUNS

- **Ban the sale, purchase and possession of unfinished receivers/frames that can be readily finished and assembled into unregistered and untraceable firearms.**
- **Ban the production, possession, purchase or sale of 3-D printed firearms, which, in addition to being untraceable, may also be undetectable firearms.**
- **Train law enforcement in the identification and detection of such firearms.**

Background:

- Do-it-yourself guns are often referred to as “80/20” guns, “80% receivers,” or “ghost guns.” They are known as ghost guns because they lack serial numbers that are generally required under federal law and which are a critical tool for law enforcement in tracing gun crimes.
- These guns are created using an unfinished receiver/frame that does not bear a serial number. Without a serial number, the gun is virtually untraceable.
- Buyers can easily finish the receiver/frame with a drill press or a computerized metal-cutting machine and then attach the remaining pieces, which are all readily available online.
- Buyers can purchase the unfinished receivers/frames without having to undergo a criminal background check required under state and federal law.
- “Ghost guns” can also be constructed using a 3-D printer using instructions that are available on the internet. 3-D guns pose an additional security risk: not only are they untraceable, they could potentially also go undetected by ordinary metal-detectors.¹ Thus, 3-D printed guns (which typically still require a metal firing pin to be operable) could also be in violation of a federal law that requires all firearms to be made of at least 3.7 ounces of steel so they could be detected.²
- A number of websites have disseminated, and continue to seek to disseminate, blueprints for 3-D printed firearms. Nineteen states (including Rhode Island) and the District of Columbia sued the federal government and the website owners to block the dissemination of these blueprint files as a threat to national security and public safety.³ On July 31, 2018, a federal judge issued a temporary injunction prompting the websites to remove these instructions.⁴ The proliferation of 3-D printed guns, like other “ghost guns,” could allow otherwise prohibited persons to circumvent background checks and obtain guns that are untraceable and virtually undetectable.
- Congress has yet to pass proposed legislation to expand the definition of an undetectable firearm and to ban untraceable firearms.

Discussion:

- “Ghost guns” enable felons, domestic abusers, and otherwise prohibited persons to circumvent background checks that would otherwise block them from purchasing or possessing firearms.
- During a May 2018 raid on the Pagans and Kryptmen motorcycle gangs in Woonsocket, the Rhode Island State Police (“RISP”) recovered approximately ten “ghost guns.” These guns were specifically manufactured for the use of gang-members who were prohibited from possessing firearms.
- There have already been several mass shootings involving “ghost guns,” including the 2017 shooting at the Rancho Tehama Reserve in California, where the shooter used two homemade AR-15-style semi-automatic rifles to kill five victims.
- Plastic, 3-D printed guns are particularly concerning as they are often unrecognizable by standard metal detectors and untraceable. Anyone with access to the internet and a commercially available 3-D printer could readily manufacture, possess, or sell such a weapon.

Proposals:

- Amend the definition of “firearm” to include any “unfinished frame or receiver.”
- Prohibit the purchase, separately or as a kit, of any combination of parts designed or intended for use in converting any device into a firearm and from which a firearm may be readily assembled.
- Prohibit the manufacture, sale, purchase or possession of “ghost guns,” defined as firearms that do not contain a unique serial number that is cast or engraved onto the frame or receiver of a firearm.
- Prohibit the manufacture, sale, purchase or possession of any firearm whose major components are undetectable (such as 3-D printed firearms).
- Train law enforcement officers in the identification and detection of “ghost guns” and kits or parts that can be used to assemble such guns.

¹ See, e.g., <https://www.wired.com/2015/06/i-made-an-untraceable-ar-15-ghost-gun/>.

² 18 U.S.C. § 922(p).

³ <https://www.reuters.com/article/us-usa-court-guns/more-u-s-states-join-lawsuit-over-online-3-d-gun-blueprints-idUSKBN1KO253>. Complaint may be found at https://agportal-s3bucket.s3.amazonaws.com/01_Complaint.pdf.

⁴ Temporary Restraining Order, Washington v. U.S. Dep’t of State, 2:18-cv-01115-RSL, (W.D. Wash. July 31, 2018).

BAN FIREARMS ON SCHOOL GROUNDS AND GOVERNMENT BUILDINGS

Prohibit the concealed carry of firearms on school grounds and within 1,000 feet of elementary or secondary schools, consistent with federal law, and in government buildings.

Background:

- Rhode Island law generally prohibits a person from possessing a firearm on school grounds.¹ However, there is an exception for concealed carry permit (“CCP”) holders, military personnel, and retired law enforcement who possess a permit to carry.²
- Rhode Island law does not currently prohibit the possession of firearms by CCP holders in government buildings.
- The Federal Gun-Free School Zone Act prohibits carrying a firearm on school grounds and within 1,000 feet of elementary or secondary school except for law enforcement officers and persons licensed to do so under State law.³

Discussion:

- Rhode Island is one of only a handful of states to allow CCP holders to carry guns at K-12 schools.⁴
- Every state and private college/university in Rhode Island has already prohibited the possession of firearms on their campuses by persons other than law enforcement.
- Federal law prohibits the possession of firearms in federal facilities, including federal courthouses, federal buildings, and federal prisons.⁵ Current policies in Rhode Island prohibit firearms in state courthouses and the State House other than by certain, authorized, law enforcement officers.
- All Rhode Islanders should feel safe in school and in their government buildings. Allowing only sworn peace officers to carry firearms on those premises furthers that goal.
- Current law creates dangerous and unenforceable conditions in K-12 schools. Illustrative examples include: (1) Inconsistent policies and approaches by different school departments create uncertainty about who is and who is not permitted to carry firearms on school grounds; (2) How are teachers/students supposed to know who is a lawful permit holder if they see a person carrying a gun at school? (3) Persons who obtain a CCP are not sufficiently trained at responding to an active shooter situation and might create a greater risk of shooting students or being shot themselves during law enforcement response to

an active shooter; (4) School officials cannot readily ascertain whether an individual with a CCP is a retired law enforcement officer, nor can they determine what level of firearms qualification that retired officer has maintained (there are important differences between state and federal laws regulating concealed carry by retired law enforcement).

- The Commissioner of the Rhode Island Department of Education recently promulgated a Field Memo announcing a ban on firearms, other than those carried by law enforcement, on school grounds based on a finding that doing so comports with his duty to ensure Rhode Island students attend safe schools. Legislation would enhance the enforcement of this policy.⁶
- The recent shooting outside the Providence Career and Technical Academy that took the life of a 15-year old boy, further highlighted the need to create a gun-free school zone that extends beyond the schoolhouse gates.
- The Working Group recognized that the state School Safety Committee was in the best position to advise regarding additional safety measures that schools should take. The Group thus did not discuss safety measures such as resource officers, active shooter drills, and physical modification of school buildings.

Proposals:

- Eliminate the exception that allows CCP holders and others who are not active law enforcement officers to carry firearms on school grounds. Clarify that the prohibition applies to all public, parochial, and private elementary and secondary schools and extends to 1000-feet from school grounds – consistent with federal law.
- Amend R.I. Gen. Laws § 11-47-60(b) to exempt only active municipal, state and federal law enforcement officers from the general prohibition on possession of firearms in schools. In so doing, the legislature should consider whether it is appropriate to reference all “peace officers” as defined in R.I. Gen. Laws § 12-7-21 or limit it to a narrower subset of that group.
- Consider a uniform process for permitting retired law enforcement officers such that their CCPs clearly identify them as retired law enforcement. Consider a program by which retired law enforcement officers who undergo yearly firearms qualification with their department and who meet certain other criteria (for instance, additional training requirements, the recommendation of the police chief of the department from which they retired), may be authorized to carry a firearm on school grounds.⁷
- Prohibit the possession of firearms in state government buildings except for authorized law enforcement officers and retired law enforcement officers as set forth above.

¹ R.I. GEN. LAWS § 11-47-60 (“No person shall have in his or her possession any firearm or other weapons on school grounds.”).

² *Id.* § 11-47-60(b) (exempting persons who hold concealed carry permits pursuant to R.I. GEN. LAWS §§ 11-47-11, 11-47-18).

³ 18 U.S.C. § 922(q)(2) and (3). Certain additional exceptions apply for unloaded firearms, firearms in locked containers in motor vehicles, firearms used in programs approved by a school. The term “school zone” is defined as “on the grounds of a public, parochial, or private school” or within “1,000 feet” from such schools. 18 U.S.C. § 921(a)(25)-(26).

⁴ The other states are New Hampshire, Oregon, and Utah.

⁵ 18 U.S.C. § 930.

⁶ Commissioner Wagner 8-31-18 Field Memo at www.ride.ri.gov/InsideRIDE/FieldMemos.

⁷ This could include a requirement that the retired law enforcement officer be permitted pursuant to the Law Enforcement Officer Safety Act (LEOSA), H.R. 218, 18 U.S.C. §§ 926B and 926(c). Importantly, LEOSA does not, itself, override the federal Gun-Free School Zone Act.

GUN VIOLENCE PREVENTION RESOURCES FOR SCHOOLS

- **Ensure access to licensed mental health professionals for all elementary and secondary public-school students.**
- **Research and implement best practices for school counselors and educators to facilitate early detection of warning signs and referral of youth at risk of self- or other-directed violence for mental health treatment.**
- **Encourage creation of multi-disciplinary threat assessment teams to address at-risk students.**
- **Encourage schools to incorporate evidence-based non-violence and anti-bullying educational programs into school curriculums at all levels.**
- **Provide schools with additional funding to support these initiatives.**

Background:

- Significant obstacles prevent youth in Rhode Island from getting access to appropriate mental health services.
- Educators across Rhode Island note that they have not had the support necessary to adequately address mental health issues in their classrooms.
- Educators, mental health professionals, and parents point to a lack of trauma-informed school-based or school-referred mental health services that will help children address and cope with any mental health challenges. They note that these challenges, if not addressed early, lead to increased risk of gun suicide and violence.
- Historically, Rhode Island has not sufficiently funded mental health prevention services for youth in and out of schools. There are inadequate resources to support early childhood screening for mental health problems that could prevent the emergence of more complex mental health challenges.
 - Recently, Governor Raimondo announced a commitment to include funding in next year's budget to ensure that every public-school student has access to mental health counselors.
 - The Office of the Health Insurance Commissioner has also announced a new behavioral health fund which will include a million-dollar contribution from Blue Cross Blue Shield of Rhode Island to fund student mental health programs.
- Programs employed at Rhode Island schools and across the country that coach youth on non-violent conflict resolution and provide support to at-risk youth have shown promise at curbing gun violence.¹
- Programs that foster greater information sharing between law enforcement, schools, and social service agencies have helped identify at-risk youth and direct them to appropriate services.

Discussion:

- Schools currently make available universal medical and dental screening for public school students. While mental health screening is available at some Rhode Island schools there should be continued discussion as to whether universal mental health screening should be offered. The benefits of universal screening include early detection and intervention.
- A number of mental health screening programs already used by social workers and educators across the country can help schools detect the early emergence of mental health challenges and provide educators with an opportunity to connect youth to treatment for mental health challenges.²
- Screening programs are just one example of an effective prevention tactic with school-aged youth. Others include training for educators to manage mental health challenges in classroom-based settings and increasing school district mental health professional staff.
- According to the American School Counselor Association, the appropriate student-to-counselor ratio should be 250-1.³ Hiring qualified counselors and mental health professionals is key to helping students who may become a danger to themselves or to others.
- Studies have shown that adolescents who have experienced violence or have been subject to abuse or neglect may be at an increased risk of becoming aggressive/anti-social themselves.⁴
- Programs such as “Handle with Care” or the “ACES Program” utilized in Plymouth County, MA, which foster collaboration between schools, local prosecutors, social service organizations and local police have proven effective at identifying students who have been exposed to trauma and enhancing the safety net of those students.
- The Working Group overwhelmingly supported increased funding for mental health screening at elementary and secondary schools, increasing the availability of licensed mental health professionals at schools – beginning with elementary school – and requiring schools to incorporate approved curricula for non-violence/anti-bullying training. Working Group members, including educators and school administrators, strongly believed that investment in these types of initiatives was as important, if not more important, than physical “fortifications” to school buildings.

Proposals:

- Direct a collaborative group of State stakeholders led by the Rhode Island Department of Education to develop best practice protocols for school departments to identify and address mental health needs of students. Included in this protocol should be a list of accredited and approved mental health screening programs, teacher training, and expanded access to licensed mental health professionals at all public schools. This group should also develop a list of model curriculums to be incorporated into elementary and secondary schools on the subjects of non-violence and anti-bullying.
- To prevent the risk of unduly burdening already overextended school districts, make funding available in the FY2020 budget for school-based mental health providers and access to wraparound mental health programs for RI students.
- Increase funding for after-school programs and non-violence intervention programs that could assist in detection and prevention of bullying and diffuse conflict before violence is used.
- Encourage local school districts to explore greater information sharing between schools, local police departments and state agencies such as the Rhode Island Attorney General and the Rhode Island Department of Children, Youth and Families, which would allow for trauma-informed intervention with students who have been exposed to or who are victims of violence. This could begin through pilot partnerships between an individual high school, local police and social service agencies that could be studied and, if found effective, replicated in other schools. Models include Plymouth's "Handle with Care Program." Any such arrangements must conform to federal and state laws safeguarding the privacy of student information.
- Encourage local school districts to implement threat-assessment teams to identify youth that have been court-involved or are particularly at risk to engage in violent behavior and direct appropriate resources to those youths.

¹ See, e.g., Campie, P., Petrosino, A., Fronius, T., & Read, N., *Community-Based Violence Prevention Study of the Safe and Successful Youth Initiative: An Intervention to Prevent Urban Gun Violence*. American Institutes for Research. (Washington, D.C. 2017). See also, https://www.urban.org/research/publication/implementing-restorative-justice-rhode-island-schools/view/full_report; www.sandyhookpromise.org/prevention_programs; <http://watertown.wickedlocal.com/news/20160825/watertown-schools-adopt-kingian-non-violence-training-district-wide>.

² A valuable resource for screening tools is the *Mental Health, Social-Emotional, and Behavioral Screening and Evaluation Compendium* prepared by the Miami University Center for School-Based Mental Health Services and the Ohio Mental Health Network for School Success. <https://miamioh.edu/cas/academics/centers/csbmhp/network/index.html>).

³ <https://www.schoolcounselor.org/asca/media/asca/home/Ratios15-16.pdf>.

⁴ See, e.g., Graves, J. & Shapiro, J. (2016) *Trauma Informed Clinical Social Work Practice: Case Composite with Court-Involved Adolescent*. *Smith College Studies in Social Work*, 86(3), at 204-224.

CRIMINAL GUN VIOLENCE

- **Establish a standing federal-state-local law enforcement task force to proactively focus on individuals/organizations that drive gun violence in the urban centers.**
- **Expand collaboration between non-governmental organizations (“NGOs”) focused on violence prevention and local police departments.**
- **Strengthen penalties for straw purchasing & false statements in firearms application, failure to report stolen firearms, and false reporting of stolen firearms.**
- **Ensure that police departments trace all firearms seized in connection with crimes, timely submit them to the Rhode Island State Crime Laboratory for NIBIN analysis and follow up on the results.**

Background:

- A major challenge in all gun control schemes is preventing the flow of illegal guns and keeping firearms from felons and other prohibited persons.¹
- Rhode Island has a number of laws on the books that could be viewed as “anti-trafficking” laws, however, they are rarely enforced and some carry fairly weak penalties.
- These laws include:
 - Providing false information or false identification in the purchase of a firearm is punishable by up to 5-years’ incarceration or up to \$5000.²
 - Larceny of a firearm is punishable by one to ten years’ incarceration and possession of stolen firearm punishable by three to fifteen years.³
 - Failing to report loss/theft of firearm to local law enforcement agency is punishable by a fine of \$50-\$100. ⁴
- There is no specific law penalizing “straw purchasers” of firearms. Nor is there a specific offense for falsely reporting the loss or theft of firearms.
- A particular challenge for law enforcement is how to counter the use of “community guns,” which are guns shared by multiple people and which are usually secreted in a common location.
- Past collaboration between state and federal prosecutors and law enforcement in Rhode Island has demonstrated success in driving down gang violence. Likewise, consistent collaboration between NGOs such as the Institute for the Study and Practice of Nonviolence and local police departments has been invaluable in breaking the cycle of violence especially following gang-related shootings.
- The Working Group noted that many of the initiatives proposed in the context of addressing mental health and nonviolence education in schools should also have

an impact on youth violence reduction in the cities. Building trust among communities and police, ensuring communication between community groups and law enforcement, sharing data among relevant groups, and promoting prevention and early intervention are often more effective than reactive enforcement of criminal laws.

- The Working Group also noted that other proposals such as, enhancing the requirements to purchase firearms and centralizing the Blue Card administration with the Rhode Island Attorney General (“RIAG”), as well as requiring all private sales to take place through a federally licensed firearms dealer, may further limit the flow of guns into the hands of individuals who should not have them.
- Most if not all police departments in Rhode Island submit all seized firearms to the Bureau of Alcohol Tobacco and Firearms (“ATF”) for tracing. Most, if not all, also submit firearms and ammunition (or casings) seized to the Rhode Island Crime Laboratory for a National Integrated Ballistics Information Network (NIBIN) check. Such analysis can result in tying a particular firearm to other shootings and has been found to be an important crime-fighting tool.⁵

Discussion:

- ATF and law enforcement agencies report that a significant percentage of crime guns seized are guns that were (1) obtained by straw-purchasers, (2) stolen, (3) likely falsely reported as stolen/lost by straw purchasers of those guns, or (4) purchased in private, unrecorded, sales. A small percentage are sold by corrupt or unscrupulous dealers (also known as “bad apple” dealers).⁶
- The use of community guns is prevalent by criminal organizations who share guns and stash those guns in common areas to allow access by multiple people and to hamper efforts to connect the firearm to any particular person. This practice also enables prohibited persons to share the firearm with the owner of record who may not be prohibited.
- Some police departments consistently send seized firearms or ammunition to the state Crime Laboratory for a NIBIN check which can be used to connect firearms to multiple shootings based on ballistics analysis. However, use of that database is inconsistent (it is not required by law), may not always occur in a timely fashion, and often law enforcement lacks resources to follow up on the information they obtain through NIBIN.
- Law enforcement also generally submits seized firearms to the ATF for a trace. In 2016, law enforcement agencies in Rhode Island submitted 415 firearms to the ATF for tracing.⁷ Often, however, the trace is only partially helpful as it only captures the movement of the firearm from the manufacturer/importer to wholesale and retail dealers, and then captures only retail transactions. An ATF trace would not capture private transfers of firearms.⁸

- Studies and officer reports suggest that urban violence is often driven by a small number of individuals. Focusing resources on those individuals—be it proactive intervention such as police “call-ins,” engagement by nonprofits, data-driven hot-spotting, or, if all else fails, through proactive law enforcement investigations—can have a significant impact on violence reduction. This practice is often referred to as “Focused Deterrence” or “pulling levers.”⁹
- A growing body of evidence suggests that investment in organizations that support youth mentoring and engagement with high risk youth, as well as nonviolence instruction and intervention contribute to violence reduction and cut juvenile recidivism.¹⁰

Proposals:

- Strengthen criminal penalties for illegal firearms possession and use, as follows:
 - Enact legislation that explicitly bans straw-purchasing and imposes penalties not only on the purchaser but also on the individuals soliciting the straw purchase. Ensure revocation of any firearms permits for such individuals.
 - Increase the penalties for (1) failure to report a lost or stolen firearm and for (2) the false reporting of lost/stolen firearms.
 - Impose significant penalties, up to and including loss of license and criminal prosecution, for firearms dealers who knowingly sell a firearm to a straw purchaser or to a prohibited person.
- Establish a permanent, statewide task force that focuses on firearms trafficking and gun violence and is composed of federal and state prosecutors, law enforcement agents, and local police. This task force should focus on strategies for combatting gang violence, reducing access to guns by youth, and intelligence sharing with neighboring states. There should be an opportunity for community engagement and partnership with the task force to build trust and cooperation with the community.
- Train and encourage local police departments to consistently and timely submit all firearms/ammunition seized in criminal investigations to the State Crime Laboratory for NIBIN analysis in order to determine whether a particular firearm can be tied to other crimes. All firearms should also be entered into ATF eTrace.
- Support continued collaboration between NGOs that focus on violence reduction and prevention and local police department. Explore ways to enhance consistent funding of these organizations through public funding, federal grants, and private funds.

¹ See, e.g., *Symposium on Guns in America*, *The Journal of Criminal Law and Criminology*, Vol. 104, Issue 4 (2015), available at

<https://scholarlycommons.law.northwestern.edu/jclc/vol104/iss4/>.

² R.I. GEN. LAWS § 11-47-23.

³ R.I. GEN. LAWS §§ 11-47-5.1; 11-47-5.2.

⁴ R.I. GEN. LAWS § 11-47-48.1.

⁵ <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-national-integrated-ballistic-information-network>.

⁶ <https://www.pbs.org/wgbh/pages/frontline/shows/guns/procon/guns.html>.

⁷ <https://www.atf.gov/firearms/docs/undefined/2016tracestatrhodeislandpdf/download>.

⁸ <https://www.atf.gov/resource-center/fact-sheet/fact-sheet-national-tracing-center>.

⁹ See, e.g., National Institute of Justice Practice Profile: Focused Deterrence Strategies. Found at, <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=11>.

¹⁰ See, e.g., David L. Kirp, *How to End the Cycle of Violence in Chicago*, New York Times (Sept. 13, 2018).

STRENGTHEN SAFE STORAGE LAWS

Establish a new standard for safe gun storage that makes gun owners responsible for the security of their guns whenever they are not in use.

Background:

- “Safe storage laws” include laws that require gun owners to take certain steps to secure firearms when not in use.
- These laws are more broadly designed than “child access prevention laws” in that they seek to prevent unauthorized access to guns not only by children, but by prohibited persons, thieves, and others who should not have access to firearms.¹
- Such laws have some evidence proving their effectiveness in reducing firearm injuries caused by accidental discharge and suicides.
- In Rhode Island, there are two laws regulating safe storage of firearms: (1) R.I. Gen. Laws § 11-47-60.3 provides that any retail sale of pistol must include a trigger lock or other safety device designed to prevent an unauthorized user from operating the pistol, and (2) R.I. Gen. Laws § 11-47-60.1 imposes criminal liability on any person who leaves a loaded firearm on his/her premises who reasonably should know that a child could obtain access to the firearm and an injury results.
- Other states, such as Massachusetts,² have more robust safe storage laws which require firearms to be stored in a safe manner when not being used.

Discussion:

- Rhode Island law currently provides that owners may be criminally liable only if a child gets access to and discharges a gun causing injury to self or others. The law contains numerous exceptions including whether a child obtains the firearm as a result of an illegal entry by any person. This law is difficult to enforce in practice and is also a looser standard than in at least eight other states.
- Rhode Island’s safe storage law contrasts with the Massachusetts law, which requires that all guns must be stored in a locked container or equipped with a locking device whenever not in active use. The Massachusetts law provides for higher penalties if the firearm involved was an assault weapon or if the weapon may be accessed by a minor.³ It also provides that violation of the law may be used as evidence of reckless conduct in a criminal or civil legal proceeding. This clear bright line helps to incentivize extra precaution when safely storing guns.
- One study suggests that the Massachusetts law may help reduce the risk of youth suicide: Guns are used in just 9% of youth suicides in Massachusetts,

compared to 39% of youth suicides nationally, and the overall suicide death rate among youth in Massachusetts is 35% below the national average.⁴

- According to the Bureau of Justice Statistics 2012 report, about 1.4 million guns, or an annual average of 232,400 guns, were stolen during burglaries and other property crimes in the six-year period from 2005 through 2010.⁵ Requiring safe storage of firearms may enhance our efforts to combat the flow of illegal guns by making guns harder to steal.
- Finally, broadening safe storage requirement would enhance efforts to reduce gun injuries due to either intentional acts or accidental discharge. The following national statistics support enhancing our safe storage laws:
 - A report published by the U.S. Secret Service and the Department of Education found that in 68% of school shootings covered by the study, the shooter used a gun obtained from his or her own home or from the home of a relative.⁶ The Department of Education also reported that during the 2009-10 school year, one in every 33 K-12 schools took serious disciplinary action against at least one student for use or possession of a firearm or explosive device.⁷
 - According to the Centers for Disease Control and Prevention (“CDC”), between 2004 and 2014, over 6,000 minors intentionally shot themselves. This includes 4,557 minors who died from firearm suicides and 1,621 who were hospitalized or treated in emergency rooms for intentional, self-inflicted gunshot injuries over this period.⁸ One study showed that the vast majority of adolescents attempting or completing suicide by firearm used guns owned by someone in their home.⁹
 - According to the CDC, from 2005 to 2014, 18,373 minors in the United States were hospitalized for unintentional, non-fatal gunshot injuries.¹⁰ An additional 963 minors died from unintentional gunshot injuries over this period. 484 of these victims were aged 0-12 at the time of death.

Proposals:

- Amend our current safe storage law to more closely mirror Massachusetts’ safe storage law, which requires that all firearms be stored in a locked container or with an approved locking device when not in use. Implement graduated criminal penalties for violations of the law.¹¹
- Consider expanding current law to require approved locking devices to be provided with every gun sale, not just handgun sales at federally licensed firearms dealers. Such legislation could be modeled on laws in California,¹² New York,¹³ and Michigan¹⁴ which all have more expansive laws regarding the sale of locking devices.
- Encourage all gun dealers to display and make available information regarding safe storage of firearms. Include this information in a revamped safety course and test required to obtain a Blue Card.

¹Giffords Law Center to Prevent Gun Violence, “Safe Storage,” available at <http://lawcenter.giffords.org/gun-laws/policy-areas/child-consumer-safety/safe-storage/>.

² MASS. GEN. LAWS ch. 140, §§ 131K, 131L(a).

³ *Id.*

⁴ CDC Data extrapolated by Giffords Center. Available at <http://lawcenter.giffords.org/gun-laws/policy-areas/child-consumer-safety/safe-storage/>.

⁵ Langton, L., “Firearms Stolen During Household Burglaries and Other Property Crimes, 2005-2010,” Bureau of Justice Statistics, Nov. 8, 2012, available at <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4534>.

⁶ “The Final Report & Findings of the Safe School Initiative – Implications for the Prevention of School Attacks in the United States,” U.S. Secret Service & US Dep’t of Education, July 2004, available at <http://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.

⁷ Robers, S., et al., “Indicators of School Crime and Safety: 2014,” National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, available at <https://nces.ed.gov/pubs2015/2015072.pdf>.

⁸ Data taken from CDC WISQARS data inquiry tool: <https://www.cdc.gov/injury/wisqars/index.html>.

⁹ Renee Johnson, et al., “Who are the owners of firearms used in adolescent suicides?” *Suicide and Life Threatening Behavior*, Vol. 40(6), 609–11 (Dec. 2010), at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3085447/> .

¹⁰ Data taken from CDC WISQARS data inquiry tool: <https://www.cdc.gov/injury/wisqars/index.html>.

¹¹ MASS. GEN. LAW Ch. 140, § 131L.

¹² CAL. PENAL CODE §§ 16540, 16610, 16870, 23635-23690, 31910(a)(1), (b)(1), 25135, 32000.

¹³ N.Y. GEN. BUS. LAW § 396-ee; N.Y. PENAL LAW § 265.45; N.Y. COMP. CODES R. & REGS. tit. 9, § 471.2.

¹⁴ MICH. COMP. LAWS § 28.435.

ENHANCE SUICIDE PREVENTION RESOURCES

- **Increase public awareness of suicide prevention resources with key audiences: firearm dealers, educators, and healthcare providers.**
- **Increase public awareness of the “Red Flag” law, which can allow families or loved ones to collaborate with law enforcement to temporarily remove guns from possession of people at risk of suicide.**

Background:

- In Rhode Island and nationally, most gun deaths are suicide-related.¹
- Guns significantly increase the lethality of suicide attempts. Studies have linked ready access to guns to higher rates of suicide, as guns are generally more deadly than other means of committing suicide. (Evidence shows that if someone uses a less-lethal method, and survives a first attempt, they rarely go on to commit suicide at a later date.²)
- People in a position to identify that someone is considering suicide, including some firearm dealers, educators, and healthcare providers, may not be trained in how to recognize signs of suicidal ideation. They also may not know how to intervene even when they suspect that someone is considering suicide.
- The Extreme Risk Protection Order law (“ERPO” or “Red Flag” law) signed by Governor Gina Raimondo in 2018, which allows for the temporary removal of guns from people determined to be a danger to themselves or to others, may be applied in relevant cases to prevent gun suicides.³
- In Connecticut, which has had a similar Red Flag law on the books since 1991, one study estimated that that nearly 30% of individuals subject to an extreme risk restraining order received mental health treatment.⁴ Additionally, the study estimated that for every 10 to 20 gun seizures, one suicide was averted.⁵

Discussion:

- Significantly increasing awareness of and exposure to suicide prevention tactics and resources can increase linkages of at-risk persons to appropriate mental health treatment. In Rhode Island, increased training has reduced youth suicide rates.
- Increasing the number of people trained to and aware of the signs of suicidal thoughts will mean that the number of people in a position to intervene will increase.
- In addition to reforms that will help ensure that people contemplating suicide cannot get easy and immediate access to firearms, offering training and referral

materials to key professionals who are especially likely to interact with people considering suicide will guide these professionals on how to look for assistance.

- Those who are especially likely to interact with people contemplating suicide, including firearm dealers, educators, and healthcare providers, must be aware of how to recognize when someone may be considering suicide and how to intervene appropriately to get that person help and support.
- Making standard materials available to these professionals – and possibly requiring these professionals to make these materials visible – may also allow people contemplating suicide to connect with mental health resources directly.
- Additionally, greater awareness of the Red Flag law may help reduce suicide risks by allowing loved ones to collaborate with law enforcement to temporarily reduce access to guns by someone at high risk of suicide.

Proposals:

- Develop training resources and contextually-relevant educational materials about the risks of guns in making suicide more lethal for firearm dealers, educators, and healthcare providers.
 - Examples include information disseminated by the Massachusetts Attorney General’s Office and the Massachusetts Medical Society found at <http://www.mass.gov/ago/doing-business-in-massachusetts/health-care/talking-to-patients-about-gun-safety.html>
 - Similar materials could be developed by the Rhode Island Department of Health (“RIDOH”) and the Rhode Island Attorney General (“RIAG”).
- Consider requiring firearm dealers, educators, and healthcare providers to display or make available materials to connect people contemplating suicide with counseling or other mental health services.
- Increase public awareness of the Red Flag law, which can allow families or loved ones to collaborate with law enforcement to temporarily remove guns from possession of people at risk of suicide. Develop training resources and protocols for law enforcement, the judiciary and healthcare providers about the process for applying for an ERPO. (We recognize that healthcare providers are not potential applicants for an Extreme Risk Protection Order in our state. However, healthcare providers frequently counsel families who are concerned about a loved one’s risk and who could seek such an order with the help of their local police department.)
 - In Washington State, for example, there is a state website that provides ERPO resources to the public.⁶ While Rhode Island’s law differs from Washington’s, the State (either the courts, RIDOH, RIAG, or the Rhode Island State Police) should consider a website that provides information to the public and law enforcement about the law and how the public can obtain the assistance of law enforcement in seeking such an order.

- Provide regular training to police, town solicitors, and members of the judiciary about the new Red Flag law.
- Include data on ERPOs issued in the proposed Gun Violence Data Portal.

¹ “Suicide and Self-Inflicted Injury,” Centers for Disease Control, available at <https://www.cdc.gov/nchs/fastats/suicide.htm> (last accessed Sep. 26, 2018); RI_data derived from CDC WISQARS data inquiry tool:

<https://www.cdc.gov/injury/wisqars/index.html>.

² See Means Matter, Harvard University T.H. Chan School of Public Health, available at <https://www.hsph.harvard.edu/means-matter/means-matter/risk/> (last accessed Sep. 26, 2018).

³ R.I. House Bill 7688 Substitute A as amended (2018).

⁴ Jeffrey Swanson et al, *Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?* Law and Contemporary Problems (August 24, 2016). posted Sept. 1, 2016, available at: <https://ssrn.com/abstract=2828847>.

⁵ *Id.*

⁶ See <http://protectionorder.org/erpo>.

MENTAL HEALTH & NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (“NICS”) REPORTING

- Efforts to amend current laws and policies should take care not to unduly stigmatize individuals with mental illness or behavioral health disorders.
- Consider broadening current NICS reporting requirements to support compliance with federal and state law. This would include reporting to NICS determination of incompetency and probate guardianships.
- Convene a small working group of mental health providers, attorneys, and members of the judiciary to craft legislation and rules that clarify under what circumstances qualified mental health providers should identify individuals who pose a significant risk of harm to themselves or others to law enforcement for the purpose of removing their firearms and provide a mechanism for such reporting.
- Provide training and educational resources for the judiciary, law enforcement, hospitals, health care providers, and educators on the recently enacted Extreme Risk Protection Order (“Red Flag”) law, other available resources for at-risk individuals, and (when appropriate) NICS reporting.

Background:

- Federal law prohibits any person who has been “adjudicated as a mental defective”¹ or “committed to any mental institution”² from purchasing or possessing a firearm for life.³ Rhode Island law likewise prohibits a person who is “under guardianship or treatment or confinement by virtue of being a mental incompetent, or who is been adjudicated or is under treatment or confinement as a drug addict” to purchase, own, or possess a firearm for a period of five years “from the date of being pronounced cured by competent medical authority.”⁴ In making an application to purchase a firearm thereafter, the applicant must present an affidavit by a competent medical authority to the effect that the applicant is mentally stable as well as waive his or her right to confidentiality.⁵
- Rhode Island partially complies with the NICS mental health reporting requirements. According to the presentation provided by the Attorney General’s Office, in Rhode Island, individuals who have been found not guilty by reason of insanity are reported to NICS, individuals found incompetent to stand trial are not. Additionally, Rhode Island’s Probate Courts do not report individuals to NICS who, through guardianship proceedings, are found to lack the mental capacity to contract or manage their own affairs.
- Only civil certifications – not voluntary admissions⁶ or emergency certifications⁷ – are reported to NICS.⁸
 - In 2014, the General Assembly convened a Joint Behavioral Health and Firearms Safety Task Force that issued a number of recommendations. One

- of the recommendations of that Task Force – the reporting of District Court civil commitments to NICS and the creation of a Relief from Disqualifiers Board – was adopted by the General Assembly in 2014.
- While petitions for civil certification may be filed in both District and Family Court, the statute only requires the District Court to enter the certification into the NICS database.⁹
 - The 2014 Task Force did not squarely address incompetency findings, probate guardianships, or whether NICS reporting based on emergency certification coupled with a clinical finding of dangerousness – where no civil commitment was ordered – might be appropriate.
 - Currently, under R.I. Gen. Laws § 5-37.3-4(b)(4)(i), a health care provider may release confidential health information to law enforcement or to a person “if the health care provider believes that person, or his or her family, is in danger from a patient,” without the consent of the patient. However, nothing permits disclosure of information by a healthcare professional to law enforcement based on a more generalized concern of risk of danger to self/others.

Discussion:

- Based on the Working Group discussion, it appears that there are currently gaps in our NICS reporting requirements, which means Rhode Island is not fully NICS compliant. Additionally, Rhode Island lags behind other Northeast states in NICS reporting and in temporary disqualifications of individuals who were subject to some type of mental health commitment where there was a finding of dangerousness by a clinician. (See below.)
- Compliance with NICS reporting may reduce risk of firearm injury and death of all types (suicide, homicide, domestic violence, accidental, and mass shootings).
- Recently passed legislation provides a mechanism for law enforcement to apply to the Court for Extreme Risk Protection Order preventing an individual who has been found to pose an imminent risk of harm to self/others from possessing a firearm for a limited period of time.¹⁰ While a petition for such an order must be filed by the police, the information in support of such a petition may be provided by a family member or any other witness.
- The Working Group discussed the need for additional guidance and clarity for mental health professionals regarding when they should alert law enforcement that a person should not possess a firearm because he poses a significant risk of harm to himself or others.
- The Group agreed that there should be a process that allows mental health professionals, without violating state and federal privacy laws and professional standards, to report individuals whom they believe pose such a risk and should not have access to firearms.
 - A possible model could be a Memorandum of Understanding between the Department of Behavioral Healthcare, Developmental Disabilities and

Hospitals and the Rhode Island Attorney General (“RIAG”) or the Rhode Island State Police that provides for limited sharing of information for the sole purpose of reporting to NICS or a state database.

- Another model could be legislation that allows a qualified mental health professional to initiate a report to a designated entity (law enforcement, the courts, or the RIAG) following an emergency certification – whether or not the patient was ultimately civilly committed – in cases where they believe a patient continues to pose a significant risk of harm to himself/others. There are instances, for example, when an individual opts for voluntary commitment as opposed to civil commitment, but that person continues to present a risk to himself/others such that they ought to be temporarily disqualified from possessing a firearm.
- Whatever model is ultimately adopted, there should be a mechanism for appeal by the individual and for restoration of rights.
- Whatever model is ultimately adopted, care should be taken to protect the privacy of the individual and of healthcare information.
- Whatever model is ultimately adopted, care should be taken to limit mandates on healthcare providers and to reduce stigma for patients.

Examples from Other States:

- In 2013, Florida enacted a law that includes certain persons “voluntarily admitted” to a mental institution for inpatient/outpatient treatment to the definition of “committed to a mental institution” if:
 1. An examining physician has determined that the person poses an imminent danger to himself or others and has certified that the physician would have filed a petition for involuntary commitment if the person had not agreed to voluntary treatment;
 2. The person has been given notice and an opportunity to contest the certification; and
 3. A court has reviewed the certification and ordered the person’s record to be submitted to NICS.¹¹
- In New York, mental health professionals are required to report to New York Director of Community Services if, in their exercise of reasonable professional judgment, they determine that the person they are treating is “likely to engage in conduct that would result in serious harm to self or others.”¹² This information is then transmitted to the Division of Criminal Justice Services for the sole purpose of determining eligibility to possess a firearm.¹³ The information is destroyed after five years.¹⁴
- In Connecticut, the Department of Emergency Services and Public Protection must report to NICS any person prohibited from possessing a firearm.¹⁵ One of the categories that must be reported is “voluntary admissions” for reasons other than solely for alcohol or drug dependence within the preceding six months.¹⁶

- In Virginia, one of the categories of required reporting are persons who agreed to voluntary commitment in a mental health facility after being the subject of temporary detention.¹⁷
- In California,¹⁸ and to some degree in Massachusetts,¹⁹ a licensed mental health professional must report to local law enforcement, within 24 hours, the identity of a person who communicates a serious threat of physical violence against an identifiable victim within 24 hours.
- In all of these jurisdictions, there are provisions preserving the confidentiality of these records and segregating them from other information.

Proposals:

- Consider tightening current NICS reporting requirements for the judiciary to include family court certifications, probate court guardianship, and incompetency findings to fully comply with state and federal law. Provide a mechanism for appeal and for restoration of rights once competency has been restored. There should be a mechanism for relief from disqualifiers as with the civil commitment law.
- Convene a small working group of mental health and primary care providers, attorneys, and members of the judiciary to craft legislation and rules that clarify the duty of mental health providers to report individuals who pose a significant danger of causing harm to themselves or others to law enforcement for the purpose of removing their firearms and provide a mechanism for such reporting. The working group should consider going beyond NICS reporting requirement to include individuals who were the subject of “an emergency certification” (but not ultimately civilly committed) where a qualified mental health provider certifies that they continue to present a significant danger to himself/others.
- Require regular training of law enforcement and the judiciary on use of the “Red Flag” law and NICS reporting of individuals who should not have access to firearms based on a significant danger of causing harm to themselves or to others.
- Create training and educational resources for hospitals, health care providers, and schools on the Red Flag law, other available interventions and suicide prevention resources, and when/how to report individuals who are believed to present a significant danger to themselves or others to law enforcement.

¹ To be “adjudicated as a mental defective” (this is the language used in the federal law) requires a determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or others; or (2) lacks the mental capacity

to contract or manage his own affairs. The term also includes those persons found insane by a court in a criminal case and those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility. 27 C.F.R. § 478.11.

² The term “committed to a mental institution” means a formal commitment of a person to a mental institution by a court, board, commission or other lawful authority. It includes involuntary commitments and commitments for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution. *Id.*

³ 18 U.S.C § 922(g)(4).

⁴ R.I. GEN. LAWS § 11-47-6.

⁵ *Id.*

⁶ See R.I. GEN. LAWS § 40.1-5-6.

⁷ See *id.* § 40.1-5-7. Any physician may apply for the emergency certification of a patient where, upon examination, the physician has reason to believe that the patient is in need of immediate care and treatment and is one whose continued unsupervised presence in the community would create an imminent likelihood of serious harm by reason of mental disability. The patient must be discharged no later than 10 days from the date of his or her admission, unless an application for civil court certification has been filed or the patient remains as a voluntary patient pursuant to R.I. Gen. Laws § 40.1-5-6. *Id.*

⁸ During a certification hearing, the court must find by clear and convincing evidence that the subject is in need of care and treatment in a facility and is one whose continued unsupervised presence in the community would, by reason of mental disability, create a likelihood of serious harm, and that all alternatives to certification have been investigated and deemed unsuitable. R.I. GEN. LAWS § 40.1-5-8(j).

⁹ See R.I. GEN. LAWS § 40.1-5-8(l)(1) (“The district court shall submit the name, date of birth, gender, race or ethnicity, and date of civil commitment to the NICS database of all persons subject to a civil court certification order pursuant to this section within forty-eight (48) hours of certification.”). However, the statute does not require the Family Court to input civil certifications into the NICS database.

¹⁰ H-7688 Sub. A to be codified at R.I. GEN. LAWS § 8-8.3

¹¹ FLA. STAT. § 790.065.

¹² NY MENT HYG §§ 9.11, 9.46.

¹³ *Id.* § 33.13.

¹⁴ NY EXEC § 837.

¹⁵ C.G.S.A. § 29-38b.

¹⁶ C.G.S.A. § 29-36f.

¹⁷ VA CODE ANN. § 37.2-819

¹⁸ CAL. WELF. & INST. CODE § 8105

¹⁹ MASS. GEN. LAWS ch. 123, § 36B.

APPENDIX 1



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SECRETARY OF STATE

State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

18-01

February 26, 2018

RHODE ISLAND RED FLAG EXECUTIVE ORDER

WHEREAS, the people of Rhode Island are committed to protecting the public and ensuring the safety of our communities; and

WHEREAS, Rhode Islanders are determined to reduce and prevent gun violence, identify new approaches to prevent gun-related deaths, including suicide; and

WHEREAS, I signed legislation last year barring individuals convicted of domestic violence from purchasing or possessing a firearm; and

WHEREAS, on February 22, 2018, Rhode Island joined Connecticut, New York and New Jersey as a founding member of the States for Gun Safety Coalition that improves information sharing and establishes the nation's first Regional Gun Violence Research Consortium to share and examine data about gun violence to better inform policymakers nationwide; and

WHEREAS, an average of two dozen children are shot every day in the United States; and

WHEREAS, Rhode Island's state flag has been lowered to half-mast nine times since 2015 in response to incidents of mass gun violence; and

WHEREAS, the federal government has taken little or no action to strengthen the nation's gun laws even after 26 children and adults were killed in Newtown, Connecticut

in 2012, or after 14 people were killed in San Bernardino, California in 2015, or after 49 people were killed at the Pulse Nightclub in Orlando, Florida in 2016, or after 26 people, including eight children, were killed at the First Baptist Church in Sutherland Springs, Texas in 2017, or after 58 people were killed in Las Vegas, Nevada in 2017, or after 17 students and teachers were killed at Marjory Stoneman Douglas High School in Parkland, Florida earlier this month; and

WHEREAS, Rhode Island's gun laws are among the nation's strongest but still allow for the purchase of military-style weapons and high-capacity magazines, unlike our neighboring states; and

WHEREAS, California, Washington, Oregon, Connecticut, and Indiana have enacted 'red flag' laws that allow police, family members, and others to petition the court to remove firearms from people who exhibit clear warning signs that they are a danger to themselves or others; and

WHEREAS, Rhode Island does not have a red flag law; and

WHEREAS, legislation establishing a permanent red flag law is an important component of a comprehensive strategy to protect Rhode Islanders from gun violence; and

WHEREAS, public education and outreach is necessary to raise awareness about the behaviors and actions that may serve as red flags that individuals may pose a danger to themselves or others; and

WHEREAS, all Rhode Islanders should know how to access necessary protective and supportive services upon recognizing red flags; and

WHEREAS, I will continue to work with community leaders, policymakers, legislators, law enforcement, and Rhode Island residents to reduce and prevent gun violence and enhance public safety;

NOW THEREFORE, I, Governor Gina M. Raimondo, by the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby ORDER as follows:

1. Strengthen Law Enforcement Response and Intelligence Sharing.

- a. The Rhode Island State Police shall take all necessary and lawful steps to promptly respond to and investigate, and support local police departments in their response to and investigation of, any credible reports that a person

poses a significant danger of personal injury to themselves or others (“Red Flag Reports”).

- b. Factors that law enforcement may consider in assessing the danger posed by the person include, but are not limited to, the following red flags:
 - i. Recent acts or threats of violence by the person against self or others, including statements, videos, or photographs posted on social media sites;
 - ii. A pattern of prior acts or threats of violence by the person against self or others;
 - iii. The criminal history of the person, including arrests and convictions for crimes of violence, whether felonies or misdemeanors, and crimes involving domestic violence, stalking, or harassment;
 - iv. Previous no-contact orders, restraining orders, or protective orders issued against the person;
 - v. Unlawful or reckless use or brandishing of a firearm; and,
 - vi. Evidence of recent acquisitions of, or ready access to, firearms.

No one factor is determinative and law enforcement may consider any other relevant and credible evidence.

- c. The law enforcement investigation shall include, at a minimum:
 - i. A criminal background check;
 - ii. A request for information from the Rhode Island Fusion Center;
 - iii. An inquiry with the local law enforcement agency; and
 - iv. Personal follow-up with the individual in question, and to the extent possible, with the reporter (tipster) and any family member or cohabitant of the individual in question. Provided, however, that a reporter’s desire for anonymity or confidentiality shall not preclude law enforcement investigation.
- d. In all cases where the law enforcement investigation has concluded that there is probable cause to believe that the person poses a significant and imminent danger to him or herself or others, law enforcement shall take all available legal steps, consistent with all applicable state and federal laws and regulations, to:
 - i. Remove firearms from the person and/or the person’s household;
 - ii. Refer or transport the person for appropriate medical or mental health treatment and evaluation; and,
 - iii. Initiate criminal proceedings where appropriate.

- e. The Rhode Island State Police shall share information about credible Red Flag Reports with the Rhode Island Fusion Center and the law enforcement agency for the city or town where the individual in question resides. Additionally, where appropriate and to the extent authorized by law, law enforcement shall share the information with the local school department and the Department of Children, Youth and Families.

2. Educate the Public About Common Red Flags and Appropriate Responses.

- a. The Department of Public Safety (DPS), Rhode Island Department of Health (RIDOH), Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH), Rhode Island Department of Education (RIDE), and Rhode Island Emergency Management Agency (RIEMA) shall work with other state, local, and private partners to launch a public information campaign to educate Rhode Islanders on recognizing Red Flags, and recognizing when a person is in crisis and in need of intervention. The campaign will inform Rhode Islanders about mental health and addiction treatment resources and what law enforcement can do to help.
- b. The Rhode Island School Safety Committee (comprised of the DPS, RIDE, RIEMA, BHDDH, Police Chiefs' Association, Superintendents' Association, the Fire Marshal's Office, and School Facility and Security Directors) shall educate school departments about common Red Flags and available interventions. The School Safety Committee shall also continue to assist local school departments in ensuring that all school safety plans are up to date and conform to best practices.
- c. RIDOH and BHDDH shall make available educational materials for health care providers about patient engagement on gun safety and available courses of action when providers encounter a person who poses a significant and imminent risk of harm to him or herself or others.

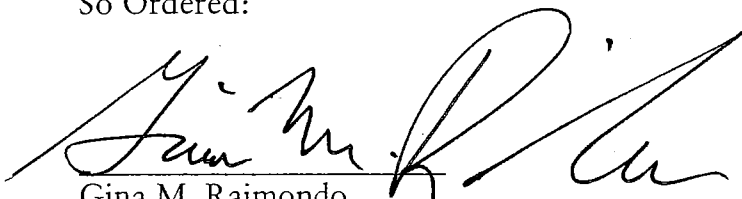
3. The Working Group for Gun Safety.

- a. Convene a Governor's Working Group to study gun violence reduction strategies, including but not limited to implementation of red flag laws and policies. The Working Group will support the Regional Gun Violence Research Consortium established by the Memorandum of Understanding executed by the Governors of the states of Connecticut, New York, New Jersey, and Rhode Island on February 22, 2018.

- b. The members of the Working Group shall be appointed by and serve at the pleasure of the Governor. Members will be drawn from the Judiciary, the Attorney General's Office, state and local law enforcement agencies, gun violence prevention advocates, mental health advocates, public health experts, educators, and other community members, including affected families and youth.
- c. The Working Group shall report to the Governor as needed.

This Executive Order shall take effect immediately.

So Ordered:

A handwritten signature in black ink, appearing to read "Gina M. Raimondo", written over a horizontal line.

Gina M. Raimondo
Governor

Dated: 2/26/18

APPENDIX 2

RHODE ISLAND GUN SAFETY WORKING GROUP

MEETING MINUTES

for

MONDAY, APRIL 23, 2018

4:00 PM

DEPARTMENT OF ADMINISTRATION, CONFERENCE ROOM A
ONE CAPITOL HILL
PROVIDENCE, RI 02908

Call to Order

Adi Goldstein, Esq., called the meeting to order at 4:08 PM. Thanked Working Group members for their participation and outlined goals of the Working Group. Introduced Governor Gina M. Raimondo.

Governor Gina M. Raimondo spoke at 4:15 PM. The Governor called for the Working Group to provide concrete action steps on the following issues: (1) addressing loopholes that exist in the background check system; (2) looking at reporting and recording processes for those who shouldn't have access to guns; (3) ensuring public places have proper safety plans, including school safety plans; (4) policy changes that will bring about meaningful reform as they pertain to our gun safety laws.

Working Group Members Present:

Colonel Ann C. Assumpico; Philip Auger, PhD; Captain Derek Borek; Rebecca L. Boss, MA; Wendy Bowen; Jennifer Smith Boylan; Adah Bryan; Paul Bueno de Mesquita, PhD; Eric F. Bronson, PhD; Rosanna Campbell; Colonel Hugh T. Clements, Jr.; Megan N. Clingham, Esq.; Xavier Copeland; Richard A. Crino, RN, CTR, QMPH; Stephen G. Dambruch, Esq.; Jill K. Doerner, PhD; PJ Fox, III; Yanaiza Gallant; Adi Goldstein; Dean Hoxsie; Jeffrey Hill (DOH designee for Nicole E. Alexander-Scott, MD, MPH); Halima Ibrahim; James M. Manni (Chair); Jonathan Mendelsohn, EdD; Colonel James J. Mendonca; Crystal A. Monteiro; Pastor Eliseo Nogueras; Megan L. Ranney, MD, MPH, FACEP (Chair); Victoria Richard; Riccardo Roscoe; Susan A. Storti, PhD, RN, NEA-BC, CARN-AP; Louis Toro; Matthew B. Toro, Esq.; Edward Troiano; Sean P. Varano, PhD; Matthew A. Vargas; Stacey P. Veroni, Esq.; John Wesley; Julia Wyman; Kasim Yarn

Working Group Members Absent:

Dante Bellini, Jr.; Major Michael A. Jagoda; Senator Erin Lynch Prata; Chief Edward Mello; Pastor Eliseo Nogueras; Nicole E. Alexander-Scott, MD, MPH.

Presentation Overview: “Preventing Firearm Injury: ‘Yes, We Can’”

Megan Ranney, MD, MPH – Associate Professor of Emergency Medicine at Alpert Medical School of Brown University and Co-Chair of the Rhode Island Gun Safety Working Group – presented on the epidemiology of firearm deaths in the United States and a proposed public health framework for action. The following topics were discussed:

- Firearm ownership and gun death rates by state
- Gender, age, and race demographics of gun deaths in the United States
- Percentage breakdown of “accidental,” “mass shooting,” “homicide and legal intervention,” and “suicide” gun deaths in the United States and Rhode Island specifically.
- Number of Rhode Island firearm deaths and injuries between 2005 and 2014
- Public health framework for action: (1) Surveillance; (2) Identify risk & protective factors (i.e., causes); (3) Develop and evaluate interventions (including education, enforcement/enactment, and engineering); and (4) Implementation
- Comparison of death rate trends from car crashes, HIV/AIDS, and gun deaths.
- Gunshot wounds are the only type of traumatic injury with increasing case-fatality rates.
- Funding of research on gun violence as compared to other leading causes of death.
- When/how do talk to patients about firearms
- Access to firearms among at-risk groups
- Percent of firearm deaths with acute intoxication
- Guns and suicide: While only 10% of people with suicidal thoughts/actions die, 90% of people who use a gun for suicide die.
- Reducing access to firearms and safe storage options
- Suicide prevention partnerships with gun owner groups
- National network of hospital-based violence intervention programs
- Partnership with state law enforcement and Attorney General’s Office to clarify local laws and create resource packets.
- Call for more research

No questions were posed to Dr. Ranney.

Presentation Overview: “The Legal Landscape: Rhode Island Firearm Laws – What They Cover & What They Don’t”

Adi Goldstein, Esq. -- Senior Legal Counsel and Deputy Chief of Staff to Governor Gina M. Raimondo -- gave a presentation on the following categories of Rhode Island’s firearm laws:

- Dealer regulations
- Buyer regulations (state and federal prohibitors)
- Background Checks
- Licensing and permitting requirements (possession vs. carry; handguns vs. long guns)
- Concealed carry permits
- Anti-trafficking laws
- Child access/gun safety
- Crime gun prevention
- Domestic violence & guns
- Mental health & guns
- Guns in schools
- Hunting laws

No questions were posed to Adi Goldstein.

Presentation Overview: “Where do we go from here?”

James M. Manni -- Narragansett Town Manager, former Major in the Rhode Island State Police, and Co-Chair of the Rhode Island Gun Safety Working Group -- outlined next steps for the Rhode Island Gun Safety Working Group. He proposed the following six subcommittees, which members of the Working Group were invited to sign up for at the conclusion of the meeting:

1. Data Integration & Transparency
 - a. Improve collection, accessibility, and transparency of relevant data.
2. Closing Loopholes
 - a. Consistency in gun purchase and permitting laws.
 - b. Enhancing NICS compliance.
3. Consideration of Additional Prohibitors
 - a. Evidence-based approach
4. Suicide Reduction
5. Addressing Urban Violence / Crime Guns
6. Mass Shootings and School Shootings

No questions were posed to James Manni.

Self-Introductions

Members of the Working Group introduced themselves, their organizational affiliations, and their priorities for the Working Group.

The following individuals were not present for introductions: Dante Bellini, Jr.; Major Michael A. Jagoda; Senator Erin Lynch Prata; Chief Edward Mello; Pastor Eliseo Noguerras; Nicole E. Alexander-Scott, MD, MPH; and Kasim Yarn.

Adjournment

Adi Goldstein reminded Working Group members to sign up for subcommittees and adjourned the meeting at 6:02 PM.

Attachments

- The Gun Safety Working Group Meeting Agenda (Monday, April 23, 2018)
- PowerPoint Presentation: "Preventing Firearm Injury: 'Yes, We Can'"
- PowerPoint Presentation: "The Legal Landscape: Rhode Island Firearm Laws – What They Cover & What They Don't"
- PowerPoint Presentation: "Where do we go from here?"

RHODE ISLAND GUN SAFETY WORKING GROUP

MEETING MINUTES

for

MONDAY, MAY 21, 2018

3:30 – 5:30 PM

INSTITUTE FOR THE STUDY AND PRACTICE OF NONVIOLENCE
265 OXFORD STREET
PROVIDENCE, RI 02905

Call to Order

Adi Goldstein, Esq., called the meeting to order at 3:40 PM. Thanked Working Group members for their participation and asked for concrete recommendations from each subcommittee. Members were assigned to a maximum of two of the following six subcommittees:

- (1) Suicide Reduction
- (2) Urban Violence
- (3) Closing Legislative Loopholes
- (4) Data Integration & Transparency
- (5) Mass Shootings – Mental Health Focus
- (6) Mass Shootings – School Safety Focus

Working Group Members Present:

Phil Auger; Dante Bellini, Jr.; Captain Derek Borek; Wendy Bowen; Jennifer Boylan; Adah Bryan; Paul Bueno de Mesquita; Rosanna Campbell; Megan Clingham; Stephen Dambruch; Jill Doerner; PJ Fox, III; Yanaiza Gallant; Chief Dean Hoxsie; Senator Erin Lynch Prata; James Manni (Co-Chair); Chief Edward Mello; Jonathan Mendelsohn; Colonel James J. Mendonca; Crystal Monteiro; Dr. Megan Ranney (Co-Chair); Susan Storti; Louis Toro; Matthew Toro; Edward Troiano; Sean Varano; Matt Vargas; John Wesley; Julia Wyman; Kasim Yarn; Jeffrey Hill (DOH designee for Director Dr. Nicole Alexander-Scott); Captain Dean Isabella (Designee for Colonel Hugh Clements); Tom Martin (BHDDH designee for Director Rebecca Boss); Adi Goldstein.

(1) Suicide Reduction Subcommittee [3:45 – 4:30 PM]

Moderator: Megan Ranney, MD, MPH (Co-Chair)

In attendance: Dr. Megan Ranney (Chair), Jennifer Boylan, Rosanna Campbell, Jeffrey Hill, Susan Storti, Louis Toro, Matt Vargas, Kasim Yarn, Dante Bellini, Jr., Captain Dean Isabella, Yanaiza Gallant, Wendy Bowen.

Summary: Dr. Ranney (Co-Chair) and Ryan Erickson (Governor’s Office) provided an overview of Rhode Island’s safe storage laws and compared RI’s laws to safe storage laws in other states. The subcommittee discussed consensus proposals, including raising the age limit through which guns need to be safely stored, expanding safe storage requirements (similar to Mass?), increasing education/awareness of safe storage practices, and enhancing enforcement of laws. The subcommittee also discussed the costs of safe storage and expressed interest in enhancing high schools’ and pediatricians’ capability to discuss safe storage and suicide prevention. The focus of the next meeting will be the public health approach to suicide prevention, with Jeff Hill (RIDOH) presenting.

The subcommittee requested a review of Massachusetts’ safe storage laws.

Attachments:

- Safe Storage Laws Handout

(2) Urban Violence Subcommittee [3:45 – 4:30 PM]

Moderator: Adi Goldstein, Esq. (Senior Legal Counsel, Governor Gina Raimondo)

In attendance: Adi Goldstein, PJ Fox, III, Jonathan Mendelsohn, Colonel James Mendonca, Paul Bueno de Mesquita, Sean Varano, Crystal Monteiro, Stephen Dambruch, Riccardo Roscoe, Edward Troiano, Sen. Erin Lynch Prata, Capt. Derek Borek.

Summary: PJ Fox, III (Executive Director, Institute for the Study and Practice of Nonviolence) gave a presentation on the Institute’s work in combatting urban community violence. Topics discussed included:

- Elements of urban community violence
- Methods to reduce urban community violence
- Intervention services
 - Nonviolence streetworkers
 - Victim services
- Prevention
 - Nonviolence training
 - Community reentry
 - Employment and education
 - Public policy and advocacy
- Violence reduction models
- Key elements of successful state violence reduction programs

Participants spoke of the need for more “boots on the ground” at schools to promote nonviolence. Spoke generally about the role of resource officers and about sharing information between schools, street workers, law enforcement, and social workers. Paul Bueno de Mesquita and Sean Varano will present on effective non-violence / violence reduction strategies at the next meeting.

One issue that received positive reception was the presence of street-workers at hospitals to respond to shootings right away and assist with non-violence intervention. Principal Mendelsohn raised the issue of online bullying as a major source of violence. Question about what more we can do to (1) prevent online bullying, (2) find it and intervene before it spills into real-world violence. Sean Varano stated that there were technologies out there that could assist in identifying online threats/bullying.

Principal Mendelsohn also raised the issue of resource officer training and more clearly delineating the responsibilities of resource officers in schools. For instance, is there a standardized training for resource officers? It should be clearly understood that they are not there to mete out discipline in school (that’s for teachers and school administrators to do). When do they intervene? Can they be more effectively leveraged to prevent violence out of school?

Chief Mendonca opined that there is no standardized training for school resource officers in the state (except that they go through Alice training) and that we should do that.

Prof. Sean Verano will present next time about his work on breaking the cycle of violence in Plymouth, MA and ways to find synergies between schools, police, resource officers, social workers, and street workers.

Prof. Paul Bueno de Mesquita will present about root cause of violence and effective approaches to address the root cause

Attachments:

- PJ Fox, III's PowerPoint Presentation on the Institute for the Study and Practice of Nonviolence and Violence Reduction Strategies

(3) Closing Legislative Loopholes Subcommittee [3:45 – 4:30 PM]

Moderator: James Manni (Co-Chair)

In attendance: James Manni, Meg Clingham, Jill Doerner, Chief Dean Hoxsie, Scott Erickson, Tom Martin, Julia Wyman, John Wesley, Matthew Toro, Phil Auger, Chief Edward Mello, Havi Mirell.

Summary: James Manni gave a presentation entitled: “Legislative Loopholes: Concealed-Carry Permits & Age Requirements.” The presentation provided an overview of Rhode Island’s concealed carry permit laws and how Rhode Island’s laws compare to other jurisdictions such as Massachusetts, New York, New Jersey, Connecticut, and Delaware. The presentation discussed ways to enhance robustness of Rhode Island’s concealed carry permit framework, including: (1) giving licensing authorities discretion about whether to grant or deny an application for a permit; (2) limiting criteria of eligibility; (3) imposing training requirements; (4) limiting locations where concealed weapons may be carried; (5) limiting duration of concealed carry permits; and (6) imposing similar requirements for renewal of concealed carry permits as initial application. The presentation also provided an overview of Rhode Island’s age requirements for purchase/possession of handguns and long guns, a statewide comparison of age requirements, and considerations for raising the age of purchase/possession to 21 for rifles and shotguns.

Questions arose regarding federal and state laws governing gun registries. There was also significant discussion about the different discretion local licensing authorities and the Attorney General’s Office exercise in issuing concealed carry permits and whether/how that can be addressed. Finally, there was significant discussion about current proficiency requirements and the shortcomings of Rhode Island’s current permitting regime.

Attachments:

- “Legislative Loopholes: Concealed-Carry Permits & Age Requirements” PowerPoint Presentation

(4) Mass Shootings – Mental Health Focus Subcommittee [4:45 – 5:30 PM]

Moderator: Adi Goldstein, Esq. (Senior Legal Counsel, Governor Gina Raimondo)

In attendance: Adi Goldstein, Senator Erin Lynch Prata, Wendy Bowen, Dante Bellini, Jr., Paul Bueno de Mesquita, Yanaiza Gallant, Chief Edward Mello, Louis Toro, Susan Storti, Rosanna Campbell, PJ Fox, III, Jonathan Mendelsohn, Richard Crino

Summary: Adi Goldstein began the discussion by asking what we can do as a community to better identify those at risk to themselves and others and inform the pertinent people. Acknowledged that red flag legislation was likely to pass, but asked what more can be done: Should we require schools or physicians to ask about the presence of firearms in the home? Is this too sensitive /inflammatory a question? The consensus appeared to be that such an approach would be too alienating / intrusive and is not likely to be productive in opening conversation about gun safety/access issues. Alternatively would educational outreach to parents be more effective in alerting parents to (1) safe storage, (2) available resource, (3) awareness of danger signs. The group members appeared to support this latter approach. There was also discussion about how to best engage NRA supporters and gun sellers in this discussion?

The group discussed the lack of school counselors in the public school system, particularly in K-5, and the fact that there are not enough referral and treatment resources (particularly inpatient) for students. Of 39 school districts, only 5 districts have counselors in elementary schools according to Toro. While it's important to have counselors at middle schools and high schools, most of these problems start when the kids are young and we need to get counselors into all schools.

Roseanna Campbell noted that the schools often know exactly what kids have problems at home/mental health issues but feel constrained to act due to confidentiality issues, lack of resources and no method to ensure follow through by the family once a referral to outside provider is made.

Guidance counselor Louis Toro spoke about students who are referred to inpatient treatment who are back in school in a couple of days where a decade ago they would have been out of school for several weeks. Further discussion about underfunded state support systems and how we do not currently have the resources to effectively identify red flags within our community. Mental health community spoke about potential pitfalls with implementation of red flag legislation and the shortcomings of current interventions.

The primary proposals to emerge from the discussion was implementation of screening for mental health issues at school and increasing funding for mental health treatment of students. Susan Storti suggested that we should think about screening children for mental health conditions younger so that we can make sure those children are receiving appropriate treatment/resources early on (just as they would for learning disabilities or physical disabilities.)

Meg Clingham made the point that it is disingenuous to ask schools to identify “red flags” when there are not enough resources to identify and then treat those individuals.

Next meeting: Review American Association on Pediatrics Screener and continue to discuss options on providing more robust mental health support to students. Also address educating schools about “red flag” law and what information can be shared/with whom?

(5) Data Integration & Transparency Subcommittee [4:45 – 5:30 PM]

Moderator: Megan Ranney, MD, MPH (Co-Chair)

In attendance: Dr. Megan Ranney (Chair), Stephen Dambruch, Jill Doerner, Jeffrey Hill, Chief Dean Hoxsie, Captain Dean Isabella, Sean Varano, Julia Wyman, Kasim Yarn, Deborah Pearlman, Scott Erickson, John Wesley, Edward Troiano, Ryan Erickson

Summary: Goal of the meeting was to assess what data is out there and to begin talking strategy for collection. Ed Troiano discussed the ATF's database on crime guns, NIBIN (National Integrated Ballistic Information Network), NICS (National Instant Criminal Background Check System), and collaboration between ATF, State Police office and the URI crime lab. Deborah Perlman spoke of access to population-based data and data collected through the Rhode Island Department of Health, including VDRS (Violent Death Reporting System), YRBS (Youth Risk Behavior Surveillance survey), DCYF (Department of Children, Youth, & Families; largely private data), and hospital-level data. Stephen Dambruch spoke about perpetrator data (which is private for the most part) and publicly available prosecution data. John Wesley discussed orders of protection data available through the no-contact system and court data about the surrender of guns. Chief Hoxsie clarified that the court does not collect serial numbers of surrendered guns – only caliber and gun type. Dr. Ranney asked if we are able to track guns to specific dealers, and Ed Troiano responded in the affirmative, adding that there is a multiple sales registry that tracks when more than 2 sales have occurred over a 7-day period and that temporary records are allowed. The question arose about concealed carry permits and if, and for how long, such records are maintained. Chief Dean Hoxsie spoke about how DEM is prohibited from creating a registry of “blue card” holders, but that DEM does maintain a record of hunter safety card holders. Kasim Yarn discussed the RI-SERVES initiative, which enhances collaboration between multiple entities for suicide prevention of veterans and their family members. The group discussed the need for integrated records on a statewide basis. The task for the next meeting is for the members of the group to come with a “wish list” for what they'd like to see from the data.

(6) Mass Shootings - School Safety Focus Subcommittee [4:45 – 5:30 PM]

Moderator: James Manni (Co-Chair)

In attendance: James Manni, Phil Auger, Jennifer Boylan, John Wesley, Adah Bryan, Matthew Vargas, Captain Derek Borek, Jonathan Mendelsohn, Colonel James Mendonca, Havi Mirell

Summary: James Manni gave a presentation on guns in schools, with comparisons between Rhode Island’s school gun laws and other states’ laws within the region. Discussion focused on how RI is one of eight states that allows for concealed carry on K-12 campuses and how arming school resource officers is not the right answer. Law enforcement representatives echoed how difficult it is to respond to an active shooter scenario, and how arming teachers who have not undergone extensive law enforcement training could result in lethal confrontations and accidental deaths. Education representatives expressed interest in investing in more social workers and mental health advocates at schools, and how arming teachers breaks the bonds of trust between students and educators. Captain Derek Borek (Rhode Island State Police) gave a presentation on the Rhode Island School Safety Committee – its mission, mandate, composition, and work. Discussion followed about school resource officers: What should their job description be? Are there any statistics to prove their effectiveness? Is this the best investment for school safety? What are best practices with respect to lockdown drills? How often should they be conducted? Are they conducted during passing periods instead of when students are already sedentary in their classrooms? James Manni asked the group to come up with some proposals that the committee can tackle during its next meeting.

In attendance: James Manni, Phil Auger, Jennifer Boylan, John Wesley, Adah Bryan, Matthew Vargas, Captain Derek Borek, Jonathan Mendelsohn, Colonel James Mendonca, Linda Finn, Havi Mirell

Attachments:

- “Guns in Schools” & “Rhode Island School Safety Committee: School Safety Plans & Best Practices” PowerPoint Presentations

RHODE ISLAND GUN SAEFTY WORKING GROUP

MEETING MINUTES

for

MONDAY, JUNE 18, 2018

3:30 – 5:30 PM

THE WARREN ALPERT MEDICAL SCHOOL OF BROWN UNIVERSITY
222 RICHMOND STREET
PROVIDENCE, RI 02903
ROOM 280

Call to Order

Adi Goldstein, Esq., called the meeting to order at 3:40 PM. Discussed recently passed Red Flag legislation and next steps for implementation. Dr. Ranney, Jim Manni, and Adi Goldstein provided brief summaries of their subcommittees' discussions during the previous Working Group session. Working Group members divided into the following six subcommittees:

- (1) Suicide Reduction
- (2) Urban Violence
- (3) Closing Legislative Loopholes
- (4) Data Integration & Transparency
- (5) Mass Shootings – Mental Health Focus
- (6) Mass Shootings – School Safety Focus

Working Group Members Present:

Phil Auger; Dante Bellini, Jr.; Captain Derek Borek; Rebecca Boss; Wendy Bowen; Jennifer Boylan; Paul Bueno de Mesquita; Megan Clingham; Stephen Dambruch; PJ Fox, III; Adi Goldstein; Jeffrey Hill; Chief Dean Hoxsie; Captain Dean Isabella; Major Michael Jagoda; James Manni (Co-Chair); Chief Edward Mello; Jonathan Mendelsohn; Colonel James J. Mendonca; Dr. Megan Ranney (Co-Chair); Victoria Richard; Matthew Toro; Edward Troiano; Sean Varano; Stacey Veroni; Matt Vargas; John Wesley; Julia Wyman; Kasim Yarn.

(1) Suicide Reduction Subcommittee [3:45 – 4:30 PM]

Moderator: Megan Ranney, MD, MPH (Co-Chair)

In attendance: Dr. Megan Ranney (Chair), Jeffrey Hill, Matt Vargas, Dante Bellini, Rebecca Boss, Wendy Bowen, Deborah Pearlman, Kasim Yarn, Jennifer Boylan, Victoria Richard, Ryan Erickson, Mike Miesen

Summary: Jeffrey Hill (Department of Health) gave a presentation entitled “Public Health Approaches to Lethal Means Safety and Suicide Prevention.” Topics discussed included: suicide statistics in Rhode Island, intervention protocols, suicide-proofing a home, safe storage campaigns in Washington and Utah, the New Hampshire Gun Shop project, firearm safety for veterans, and the Youth Suicide Project in Rhode Island. Discussion from group members regarding suicide prevention and education in schools. Next meeting’s focus will be on veterans, followed by policy recommendations to bring to the full Working Group.

Attachments:

- Jeffrey Hill’s PowerPoint Presentation: “Public Health Approaches to Lethal Means Safety and Suicide Prevention.”

(2) Urban Violence Subcommittee [3:45 – 4:30 PM]

Moderator: Adi Goldstein, Esq. (Senior Legal Counsel, Governor Gina Raimondo)

In attendance: Adi Goldstein, Colonel James Mendonca, Captain Dean Isabella, Stephen Dambruch, Ed Troiano, Paul Bueno de Mesquita, Jonathan Mendelsohn, PJ Fox, III, Sean Varano

Summary: Professor Sean Varano gave a presentation entitled: “‘Doing Something’ About Violence: Integration of ‘Trauma Informed Care’ Models into Violence Prevention.” Topics discussed included: community-based approaches to violence prevention strategies and the shortcomings of “arrest heavy” crime prevention strategies, the value of integrating a “trauma-informed lens” into service plans, the Town of Plymouth’s “Handle with Care” program, and the Plymouth District Attorney’s “Aces Program.” Discussion about whether Rhode Island’s municipalities have programs similar to “Handle with Care” and questions about communication between agencies such as DCYF, police departments, and schools regarding “high risk” students.

Attachments:

- Sean Varano’s PowerPoint Presentation: “‘Doing Something’ About Violence: Integration of ‘Trauma Informed Care’ Models into Violence Prevention.”

(3) Closing Legislative Loopholes Subcommittee [3:45 – 4:30 PM]

Moderator: James Manni (Co-Chair)

In attendance: James Manni, Phil Auger, Chief Dean Hoxsie, Eric Bronson, Matthew Toro, Captain Derek Borek, Major Michael Jagoda, Chief Edward Mello, Meg Clingham, Julia Wyman, Stacey Veroni, Havi Mirell.

Summary: James Manni gave a presentation entitled: “Legislative Loopholes: Block the Block” about “ghost guns,” also referred to as “80% guns.” Topics discussed included: the definition and description of ghost guns; how ghost guns evade federal and state regulation; most common methods for manufacturing ghost guns; shootings involving ghost guns; the recovery of 10 ghost guns during the Rhode Island State Police raid in May 2018; estimated costs of building a ghost gun; state legislation regulating ghost guns, and New Jersey Attorney General’s attempt to block ghost gun websites from selling and advertising to New Jersey residents. Discussion preceding Manni’s presentation focused on the blue card system, others states’ licensing regimes, implementation of red flag legislation and how law enforcement can determine whether an individual owns or has access to a weapon. Next meeting will focus on private gun sales and transfers.

Attachments:

- “Legislative Loopholes: Block the Block” PowerPoint Presentation. [Omitted due to file size.]

(4) Mass Shootings – Mental Health Focus Subcommittee [4:45 – 5:30 PM]

Moderator: Adi Goldstein, Esq. (Senior Legal Counsel, Governor Gina Raimondo)

In attendance: Adi Goldstein, Meg Clingham, Wendy Bowen, Dante Bellini, Jr., Chief Edward Mello, Rebecca Boss, Jonathan Mendelsohn, PJ Fox, III, Paul Bueno de Mesquita

Summary: Professor Paul Bueno de Mesquita gave a presentation entitled: “Understanding Violent Behavior: Implications for Gun Violence Prevention and Social Policy.” Topics discussed included: escalating chains of behavior; the effectiveness of early interventions; the who/what/where of gun violence; the Albee Prevention Formula; primary, secondary, and tertiary prevention methods for gun violence; and how social policy responses to gun violence tend to be symptomatic and reactionary, but ought to be preventative. Working Group members discussed mental health screenings and what information mental health professionals can legally share with law enforcement.

Attachments:

- Professor Paul Bueno de Mesquita’s PowerPoint Presentation: “Understanding Violent Behavior: Implications for Gun Violence Prevention and Social Policy.”

(5) Data Integration & Transparency Subcommittee [4:45 – 5:30 PM]

Moderator: Megan Ranney, MD, MPH (Co-Chair)

In attendance: Dr. Megan Ranney (Chair), Stacey Veroni, Chief Dean Hoxsie, Kasim Yarn, Deborah Pearlman, John Wesley, Stephen Dambruch, Ed Troiano, Julia Wyman, Jeffrey Hill, Sean Varano, Ryan Erickson, Mike Miesen

Summary: Primary topic of discussion was what data can do to help prevent primary, secondary, and tertiary events. Working Group members discussed data “wish list.” For example, Director Yarn expressed a desire to have access to VA’s hospital database. Others expressed a desire for mental health records. Members also expressed an interest in adding DUI information to NICS. Finally, members expressed a desire to better acquaint and educate themselves about federal and state privacy laws. Next session will focus on NICS.

(6) Mass Shootings - School Safety Focus Subcommittee [4:45 – 5:30 PM]

Moderator: James Manni (Co-Chair)

In attendance: James Manni, Major Michael Jagoda, Captain Derek Borek, Jennifer Boylan, Tori Richard, Matthew Vargas, Colonel James Mendonca, Havi Mirell

Summary: James Manni presented on assault weapons and high-capacity magazines. Talked about the difficulties of defining assault weapons, history of federal assault weapon regulation, lethality of assault weapons, and how other states regulate assault weapons. Also spoke about defining large-capacity ammunition magazines (LCAMs), the federal regulation of LCAMs, state laws banning LCAMs, and other attempts at regulation. Major Michael Jagoda spoke about how regulating magazine capacity can help shave seconds off the duration of mass shootings since weapons can jam when shooters have to reload.

Attachments:

- Gun Facts Cheat Sheet

RHODE ISLAND GUN SAFETY WORKING GROUP

MEETING MINUTES

for

MONDAY, JULY 16, 2018

4:00 – 5:30 PM

NORTH KINGSTOWN HIGH SCHOOL
150 FAIRWAY DRIVE
NORTH KINGSTOWN, RI 02852

Call to Order

Adi Goldstein, Esq., called the meeting to order at 4:05 PM. She explained that this would be the final brainstorming meeting; future meetings will involve distilling ideas into concrete proposals to submit to the Governor to this fall. Dr. Ranney, Jim Manni, and Adi Goldstein provided brief summaries of their subcommittees' discussions during the previous Working Group session. Working Group members divided into the following six subcommittees:

- (1) Suicide Reduction
- (2) Urban Violence
- (3) Closing Legislative Loopholes
- (4) Data Integration & Transparency
- (5) Mass Shootings – Mental Health Focus
- (6) Mass Shootings – School Safety Focus¹

Working Group Members Present:

Phil Auger; Dante Bellini, Jr.; Wendy Bowen; Jennifer Boylan; Eric Bronson; Rosanna Campbell; Stephen Dambruch; Ann Detrick (for Rebecca Boss); Rebecca Elsing (for Richard Crino); Jill Doerner; Adi Goldstein; Jeffrey Hill; Chief Dean Hoxsie; Halima Ibrahim; Captain Dean Isabella (for Colonel Hugh Clements); Joe Lindbeck (for Stacey Veroni); Senator Erin Lynch Prata; James Manni (Co-Chair); Chief Edward Mello; Jonathan Mendelsohn; Colonel James J. Mendonca; Deborah Pearlman; Dr. Megan Ranney (Co-Chair); Victoria Richard; Jordan Seaberry (for PJ Fox, III); Christopher Smith (for Matthew Toro); Edward Troiano; Sean Varano; John Wesley; Julia Wyman; Kasim Yarn.

¹ Note that the “Mass Shootings - School Safety Focus” subcommittee joined the “Data Integration & Transparency” subcommittee for a joint presentation on “NICS Compliance.”

(1) Suicide Reduction Subcommittee [4:15 – 4:55 PM]

Moderator: Megan Ranney, MD, MPH (Co-Chair)

In attendance: Dr. Megan Ranney (Chair), Deborah Pearlman, Rebecca Elsing (for Richard Crino), Wendy Bowen, Rosanna Campbell, Jennifer Boylan, Ann Detick (for Rebecca Boss), Victoria Richard, Halima Ibrahim, Dante Bellini Jr., Jeffrey Hill, Kasim Yarn, Ryan Erickson.

Summary: Kasim Yarn, Director of Rhode Island Director of Veterans Affairs, presented on “RIServes.” He began his presentation by noting that approximately 20 servicemembers commit suicide on a daily basis; 14 of them are not in the VA health system. Servicemembers face particular challenges related to PTSD and may be more reluctant to reach out than others. The Department of Navy founded a commission to explore suicide. One recommendation of this group was to encourage servicemembers to have a channel of faith; another recommendation was to give “active bystanders” -- i.e., family, friends, and community members -- the tools they need to be on the lookout to know when and how to help a servicemember.

RI Serves is a “no wrong door” approach. It connects servicemembers to the entire system of support/services when they pick any point of entry. It is a component of the national “America Serves” program, created under the Obama Administration to connect veterans and military families with appropriate services.

RI is composed of 65,470 total veterans (FY 2016). RI’s veteran population tends to skew older, but younger veterans are at higher risk of suicide. RI’s National Guard also has a higher redeployment rate than the national average. Prior to deployment, RI’s Office of Veteran Affairs (RIOVA) has a “Yellow Ribbon Program” for servicemembers and family, and upon return, a reintegration that focuses on health care, education, employment, and transportation. RIOVA seeks to improve its systems by focusing on the “Three C’s”: Coordination, Communication, and Capital. Its goal is to create a database that tracks veterans and connects them to the services they need. RIOVA seeks to improve the navigation experience for veterans (since many veterans get lost in the cracks) and reduce service duplication among providers. Director Yarn noted that the majority of calls to RIOVA come not from servicemembers, but rather their families. RIOVA staff is trained in Mental Health First Aid. Director Yarn expressed a need for more social workers and life coaches for RI Serves & RIOVA. Director Yarn also discussed privacy laws and ensuring that all providers in RIOVA’s RI Serves Network are in compliance with HIPAA so veteran data can be shared more seamlessly.

Links:

- http://www.public.navy.mil/BUPERSNPC/support/21st_century_sailor/suicide_prevention/Pages/default.aspx [public.navy.mil]
- <https://www.providence.va.gov>

- https://www.providence.va.gov/services/Mental_Health_Behavioral_Service_MH_BS.asp

Attachments:

- “RIServes” PowerPoint Presentation.

(2) Urban Violence Subcommittee [4:15 – 4:55 PM]

Moderator: Adi Goldstein, Esq. (Senior Legal Counsel, Governor Gina Raimondo)

In attendance: Adi Goldstein, Colonel James Mendonca, Sean Varano, Jonathan Mendelsohn, Ed Troiano, Stephen Dambruch, Ken Gould, Captain Dean Isabella, Jordan Seaberry (for PJ Fox, III), Connor Troiano.

Summary: Capt. Isabella provided an overview of the Providence Police Department’s method for monitoring and dealing with the city’s high-risk individuals, the Department’s crime analytics, tracking violent crime in the city, the use of focused and limited arrest strategies, and the need for more efficient exchange and access to data between police departments. Sean Verano discussed the Boston Regional Intelligence Center (BRIC) as a more robust platform for information sharing than Rhode Island’s Fusion Center – with proactive alerts regarding specific individuals and threats. ATF Special Agent Troiano discussed the multiple channels through which illegal guns flow into the State. In particular, ATF Agent Troiano discussed the problems in identifying straw purchasers, inconsistent reporting by gun dealers of suspected straw purchasers, and the low criminal penalties/lack of prosecution of these individuals. One problem identified concerned the false reporting of stolen firearms when, in fact, those firearms are transferred to prohibited persons.

The following recommendations from the group included:

- (1) Continue to explore more seamless data sharing across police departments.
- (2) Make the Fusion center more responsive/proactive in disseminating information about threats. Study the BRIC model and determine whether we can replicate it in Rhode Island.
- (3) Increase penalties for “straw-purchasers” and for false reporting of stolen firearms.
- (4) Collect “time to crime” data that could be used to better identify gun dealers who are the source of crime guns, or who might consistently fail to report suspected straw purchasers. Consider stronger regulatory/legal action against such dealers.

(3) Closing Legislative Loopholes Subcommittee [4:15 – 4:55 PM]

Moderator: James Manni (Co-Chair)

In attendance: James Manni, Julia Wyman, Jill Doerner, Christopher Smith, Joe Lindbeck, Sen. Erin Lynch Prata, Chief Edward Mello, Chief Dean Hoxsie, Phil Auger, Eric Bronson, John Wesley, Havi Mirell.

Summary: James Manni gave a presentation entitled: “Legislative Loopholes: Private Firearm Sales & Transfers.” Topics covered in the presentation included: federal regulations for FFLs, exemption from federal licensing requirements for private sellers, statistics about the percentage of firearm sales/transfers without background checks, Rhode Island laws governing private sales and whether or not they’re enforceable (R.I.G.L. § 11-47-35), private sale laws from neighboring and regional states (CT, MA, NY, NJ), gun show laws from neighboring and regional states (CT, MA, NY, NJ) and California. Discussion focused on the ambiguities of RI’s private sale law, and how RI’s laws do not offer sufficient guidance for law-abiding citizens who seek to lawfully transfer or sell their firearms. The subcommittee came to the consensus that the simplest and most rational solution would be to have all private sales go through an FFL to ensure that background checks are conducted.

There was also some discussion about uneven enforcement of current RI gun sale laws. For example, under current law, the seller is required to send a duplicate copy of the application to the Superintendent of the State Police or the Chief of Police in the city/town in which the person has his or her residence or place of business. Several police chiefs weighed in stating that they had not, to their knowledge, received duplicate copies. The police chiefs expressed concern that duplicate copies are instead being sent to the police chief where the gun shop is located, not the police chief where the buyer resides. The subcommittee members agreed that it would be best if the police chief from the town/city where the buyer resides had an opportunity to weigh in, since that chief is likely familiar with the buyer.

Attachments:

- “Legislative Loopholes: Private Firearm Sales & Transfers” PowerPoint Presentation.

(4) Mass Shootings – Mental Health Focus Subcommittee [4:5a5 – 5:30 PM]

Moderator: Adi Goldstein, Esq. (Senior Legal Counsel, Governor Gina Raimondo)

In attendance: Adi Goldstein, Jordan Seaberry (for PJ Fox, III), Ann Detrick (for Rebecca Boss), Dante Bellini Jr., Rosanna Campbell, Wendy Bowen, Halima Ibrahim, Jennifer Boylan, Jonathan Mendelsohn, Rebecca Elsing (for Richard Crino), Connor Troiano.

Summary: The focus of the subcommittee’s meeting was implementation of the Red Flag Law. Topics discussed included: H.7688 Sub A, or the “Red Flag Law,” lack of public knowledge on the actual effects and details of the law, limitations of the law, including the fact that only law enforcement (not private citizens) can file a petition to remove firearms from a dangerous person, methods for informing the public on the details of the law and its importance, ideas for public awareness campaigns, how to inform minors about the law, including the use of guidance counselors and school faculty to communicate the details of the law to their students. Sample implementation guidance materials from Indiana, California, Connecticut, Oregon, and Washington were distributed to subcommittee members.

(5) Data Integration & Transparency Subcommittee [4:55 – 5:30 PM]

(6) Mass Shootings - School Safety Focus Subcommittee [4:55 – 5:30 PM]

Moderators: Megan Ranney, MD, MPH (Co-Chair) & James Manni (Co-Chair)

In attendance: Dr. Megan Ranney (Chair), James Manni, Joe Lindbeck, Deborah Pearlman, Jill Doerner, Julia Wyman, Chief Edward Mello, Chief Dean Hoxsie, John Wesley, Victoria Richard, Jeffrey Hill, Phil Auger, Sean Varano, Ken Gould, Stephen Dambruch, Captain Dean Isabella, Colonel James Mendonca, Ed Troiano, Ryan Erickson, Havi Mirell.

Summary: The two subcommittees combined to hear a “NICS Compliance” presentation from Assistant Attorney General Joe Lindbeck. The next meeting for the “Data Integration & Transparency” subcommittee will focus on NICS and mental health reporting.

Overview of the NICS System

The Brady Handgun Violence Prevention Act of 1993 mandated that FFLs perform a NICS background check to determine if a potential buyer is disqualified from receiving or possessing a firearm. NICS is a composite of three separate databases: Interstate Identification Index (III), National Crime Information Center (NCIC), and the NICS Index.

III is a fingerprint-based system that contains criminal history records. Arrests and dispositions are supported through fingerprints via Livescan.

NCIC contains information on wanted persons and protective orders. The AG’s Office maintains the Rhode Island Criminal History (RICH) database, which transfers this information to NCIC.

Finally, the NICS Index is the catch-all for data that III and NCIC do not contain. It contains names of prohibited persons as defined in the Brady Act. Information is submitted directly to NICS by law enforcement agencies. Note that if information on an individual has already been submitted via III or NCIC, it DOES NOT need to be inputted into the NICS Index. In fact, the NICS Section discourages such duplicative reporting. As a result, however, statistics regarding state participation in the NICS Index tends to be misleading.

There are three types of information systems: Full Point-of-Contact (POC) (13 states), Non-POC (36 states), and Partial-POC (7 states). Full-POC means that the FFL contacts the state for all firearm background checks, including permits. Non-POC means that the FFL contacts the FBI’s NICS Section for all firearm background checks. Partial-POC means that the FFL contacts the FBI for certain background checks, and the state for types of background checks. Rhode Island is a non-POC jurisdiction, meaning that at the time of the firearm transaction, the FFL contacts the NICS Section of the FBI to conduct the background check. If the NICS Section has questions regarding Rhode Island

information, it contacts the AG's Office. By contrast, full-POC jurisdictions have agreed with the NICS Section to implement and maintain their own NICS Program to conduct background checks. Thus, at the time of a firearms transaction in a full-POC jurisdiction, the FFL will contact the designated state agency to conduct the background check. Finally, in partial-POC jurisdictions, the state is usually responsible for conduct background checks for handgun transactions, while the NICS Section conducts background checks for long gun transactions.

Overview of RI's NICS Compliance

- Domestic Violence Misdemeanors (18 U.S.C. § 922(g)(9)).
 - Must be a qualifying misdemeanor and relationship.
 - RI is compliant → Inputted through III, only way it would not be inputted is if it wasn't supported by fingerprints.
- Felonies (18 U.S.C. § 922(g)(1))
 - Felony = convicted in any court of a crime punishable by imprisonment exceeding one year.
 - RI is compliant → Inputted through III, only way it would not be inputted is if it wasn't supported by fingerprints.
- Under indictment or information (18 U.S.C. § 922(n))
 - Persons who have been indicted or informed on felony charges are disqualified from owning/possessing a firearm while under indictment or information. If *convicted*, disqualifying time period will be determined by offense convicted of and sentence imposed.
 - RI is compliant → Inputted through III, only way it would not be inputted is if it wasn't supported by fingerprints.
- Protection/Restraining Orders (18 U.S.C. § 922(g)(8))
 - RI is compliant → Protective Orders and No Contact Orders are entered into NCIC via AG's RICH system.
- Fugitive from Justice (18 U.S.C. § 922(g)(2))
 - Persons on active misdemeanor or felony warrants are disqualified.
 - RI is compliant → entered into NCIC via AG's RICH system
- Dishonorable Discharge (18 U.S.C. § 922(g)(6))
 - Persons who have been dishonorably discharged from the U.S. Armed Forces are disqualified.
 - RI is compliant → Information provided by Department of Defense
- Illegal/Unlawful Alien (18 U.S.C. § 922(g)(5))
 - Persons who are illegally or unlawfully in the U.S. or have been admitted to the U.S. under a nonimmigrant visa under certain circumstances.
 - RI is compliant → Information provided by Immigration and Customs Enforcement
- Renounced U.S. Citizenship (18 U.S.C. § 922(g)(7))
 - RI is compliant → Information provided by the Department of State
- Controlled Substance Users (18 U.S.C. § 922(g)(3))
 - Includes persons who are unlawful users of a controlled substance or persons who are addicted to a controlled substance (as defined in 21 U.S.C. § 802).

- Federal regulations provide that unlawful use is not limited to use on a particular day or within weeks of purchasing a firearm. Use needs to be recent enough to indicate that the individual is actively engaged in use. Thus, a person may be an unlawful current user *even if* the controlled substance isn't being used at the time of the transaction.
 - Inferences of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time.
 - Criminal examples of controlled substance use: possession conviction within the past year; two or more arrests for possession within the last 5 years if the most recent arrest occurred within the past year; a drug paraphernalia charge within the past year and residue tests positive for a controlled substance.
 - With respect to the criminal examples of controlled substance use, RI is compliant → Inputted through III, only way it would not be inputted is if it wasn't supported by fingerprints.
 - Non-criminal examples of controlled substance use: Admitted to unlawful use or possession within the last year not in connection with a criminal disposition; positive drug test within the past year; found in unlawful possession of a controlled substance in the past year and tested positive not in connection with criminal charges. Disqualified time period is one year from positive drug test or admittance to use.
 - With respect to the non-criminal examples of controlled substance use, RI is **not compliant** → HIPAA and confidentiality issues. Would need to be submitted to NICS Index.
 - Chief Edward Mello noted that there is no local police check. Local police could likely tell you if an individual was a known heroin user.
 - The Joint Behavioral Health and Firearms Safety Task Force issued recommendations in February 2014 regarding statuses relating to firearms and behavioral health issues. The Task Force recommended that non-criminal substance abuse records *not* be reported to NICS due to the legal issues and potential chilling effect that reporting would have on people seeking or receiving treatment.
 - The 12-684 GAO Report noted that “states generally are not making noncriminal drug use records available to NICS.”
- Mental Health Prohibition (18 U.S.C. § 922(g)(4))
 - Persons who have been “adjudicated as a mental defective” or “committed to any mental institution.” Disqualified for life. Exceptions include:
 - At a mental institution for observation/evaluation.
 - Voluntarily admitted.
 - If the person received an ATF relief from disabilities.

- Federal regulations define “adjudicated as a mental defective” to require a formal determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, mental illness, incompetency, condition or disease:
 - Is a danger to themselves or others;
 - Lacks the mental capacity to contract or manage their own affairs;
 - Is found to be insane by a court in a criminal case; or
 - Is found to be incompetent to stand trial or found not guilty by reason of lack of mental capacity.
- With respect to those found to be insane by a court in a criminal case, RI is compliant → “Not guilty by reason of insanity” is entered into III due to a criminal case disposition.
- With respect to those found to be incompetent to stand trial, RI is **not compliant** → this would have to be inputted by the Judiciary.
- With respect to those who lack the mental capacity to contract or manage their own affairs RI is **not compliant** → guardianship proceedings occur in the Probate Court and such information would have to be entered by the Probate Court.
- With respect to those who are dangers to themselves or others, RI is somewhat compliant → Civil Court certifications occur in both District and Family Courts. District Court’s compliance was addressed legislative in 2014 (R.I.G.L. § 40.1-5-8); Family Court’s was not.
 - After 3 years, civilly certified person may file a petition for relief with the Relief from Disqualifiers Board.
- With respect to those who are committed to any mental institution, RI is **not compliant** → The Joint Task Force expressed concern that submitted records to NICS of all persons ordered into hospital treatment will inadvertently capture low-risk individuals. Very narrow definition warranted to ensure that NICS reporting includes only those individuals for whom a likelihood of violent physical behavior and harm exists.
- Under the Brady Act, states can also enact their own disqualifiers. RI has § 11-47-5 (“Possession of Firearms by Certain Persons Prohibited”).

Summary of RI’s Relief from Disqualifiers Board (R.I.G.L. § 11-47-63)

- Board established for the purpose of hearing petitions for relief from persons subject to firearms prohibition under 18 U.S.C. §§ 922(d)(4), 922(g)(4), and R.I.G.L. § 40.1-5-8 due to an adjudication of commitment in the State.
 - Joe Lindbeck noted that it is unclear whether the Relief from Disqualifiers Board has actually been set up.
- The Board is comprised of five (5) members who are appointed by the Governor and include: a licensed psychiatrist, a licensed psychologist, an active member of law enforcement, the Director of BHDDH, and the Attorney General.
- Board must give the petitioner an opportunity to present evidence in a closed and confidential hearing on the record. Board has the authority to require that the petitioner undergo a clinical evaluation and risk assessment, the results of which

- may be considered as evidence in determining whether to approve or deny the petition for relief.
- Evidence that must be considered in order to grant relief from disqualifiers pursuant to 18 U.S.C. § 922(d)(4) & 18 U.S.C. § 922(g)(4):
 - Petitioner’s mental health record, including a certificate from a medical doctor or licensed psychiatrist in this state certifying that the person is no longer suffering from a mental disorder which interferes or handicaps the person from handling deadly weapons;
 - All criminal history records; and
 - Evidence of the person’s reputation through character witness statements, testimony, or other character evidence.
 - Board shall grant relief if it finds, by a preponderance of the evidence, that:
 - The petitioner is not likely to act in a manner dangerous to public safety; and
 - Granting the relief will not be contrary to the public interest.
 - If the petition is denied, the petitioner has the right to de novo judicial review in the Superior Court.
 - If the petition is granted, the District Court must cause the petitioner’s record to be updated, corrected, modified, or removed from any database maintained and made available to NICS to reflect that the petitioner is no longer subject to a firearms prohibition. The District Court must also notify the U.S. Attorney General that the petitioner is no longer subject to firearms prohibition under 18 U.S.C. § 922(d)(4) and 18 U.S.C. § 922(g)(4).

Links:

- <https://www.vox.com/policy-and-politics/2017/2/9/14546566/alcohol-gun-crime-study> [vox.com]
- <http://efsgv.wpengine.com/wp-content/uploads/2014/10/Final-State-Report.pdf> [efsgv.wpengine.com]

Attachments:

- “NICS Compliance” PowerPoint Presentation.

RHODE ISLAND GUN SAEFTY WORKING GROUP

MEETING MINUTES

for

MONDAY, SEPTEMBER 17, 2018

3:30 -6:00 PM

ROGER WILLIAMS UNIVERSITY LAW SCHOOL
ONE EMPIRE PLAZA
PROVIDENCE, RHODE ISLAND 02903

Call to Order

Adi Goldstein, Esq., called the meeting to order at 3:35 PM. She explained that during this meeting the Working Group will go over draft recommendations based on the discussions and recommendations agreed to at prior meetings. As these recommendations would be made by the Working Group as a whole, the Group would not break into sub-committees as before but would discuss the recommendations together. Based on the feedback from prior meetings, the recommendations made by the Working Group could be distilled into 12 general categories. Ideally, all the recommendations reflect the consensus of the Group as a whole. However, if there is disagreement in the Group about a recommendation it can be modified, or the report can reflect a diversity of opinions.

Working Group Members Present:

Super. Phil Auger; Dante Bellini, Jr.; Capt. Derek Borek; Dir. Rebecca Boss; Wendy Bowen; Jennifer Boylan; Prof. Eric Bronson; Prof. Paul Bueno de Mesquita; Adv. Megan Clingham; Rosanna Campbell; US Attorney Stephen Dambruch (advisory); PJ Fox, III; Jeffrey Hill; Chief Dean Hoxsie; Major Michael Jagoda; James Manni (Co-Chair); Chief Edward Mello; Principal Jonathan Mendelsohn; Col. James J. Mendonca; Crystal Monteiro; Dr. Deborah Pearlman; Major Oscar Perez (for Colonel Hugh Clements); Dr. Megan Ranney (Co-Chair); Matthew Toro; SA Edward Troiano (advisory); Matthew Vargas; John Wesley; Julia Wyman; Director Kasim Yarn.

Goldstein started the group on a review of the 12 recommendations, starting with "Support Data Collection & Integration":

- Comparisons to PreventOverdoseRI.org as a benchmark.
- Noted that there are many obstacles to data collection and integration—legal and logistical.
- Aim is to create a public dashboard for all state gun data

Deborah Pearlman noted that we should differentiate recommendations that require resources and those that don't. Jennifer Boylan commented that we should include demographic info of victims. John Wesley commented on the need to include domestic violence data. The Working Group supported the recommendations with no further comment.

Jim Manni started the group on a discussion on "Regulation of Long Guns":

- Shared federal definition of "long gun"; included history on why long gun and handgun regulations diverge owing to different cultural understanding of each. This accounts for why there is a different age for handgun and long gun purchases.
- Noted that for a variety of reasons it makes sense to have one standard, esp. given that assault weapons are long guns.

Goldstein noted that many laws are anachronistic—makes no sense that you can't buy a handgun at 18, but can buy an assault weapon in RI. In recommendations reasonable exceptions are preserved, but goal is to modernize the laws. The Working Group supported the recommendations with no further comments.

Goldstein and Manni started the group through discussion of "'Ban Ghost Guns' and 3-D Printed Guns". Manni noted the inability to trace these guns and stated that this is something we need to get ahead of right now, there are no regulations, but these guns are likely to be more prevalent in the future. Noted recent police seizure with 10 of these guns. ATF SA Ed Troiano noted that this will require significant work to track/define these guns. Manni commented that this will focus on 80/20 guns, and prohibiting shipment of identified components to RI. The Working Group supported the recommendation with no further comment.

Manni started the group through discussion of "Streamline and Enhance Firearms Licensing and Permitting Rules." Noted that the overall licensing scheme doesn't make logical sense, and conflicting direction from different authorities leads to confusion and possibly opens dangerous loopholes. Noted in particular the need to create one licensing authority: currently we have two, Attorney General and the local law enforcement authority. Noted the oddity of placing the authority of Blue Card distribution with RIDEM, which may not be the appropriate authority. Chief James Mendonca noted that we need to ensure that it was important that the Attorney General retain the discretion to issue CCP. It was important that "may" remain the law. Chief Mello stated that this is something that state law enforcement have requested for 10 years. Julia Wyman commented that it was important to ensure that police are consulted before permit is issued. Matthew Toro, asked if there was a right to appeal denials, and how could we be sure denials are not motivated by bias? Goldstein noted that the proposal includes a provision for public data disclosure on denials/applications. Denials could be appealed under the APA. Manni: Noted that the standards for obtaining a permit may also be too lax—we should also focus on improving training standards. Chief Mello suggested making sure national background checks be required to issue CCPs. SA Troiano noted that

there should be some mechanism for revocation of Blue Card so they can't repeatedly be used for illegal activity. Currently there does not appear to be a mechanism to do so. RIDEM Chief Dean Hoxsie concurred with the idea that it was odd for RIDEM to administer the blue card system and noted that RIDEM has no ability to keep records of Blue Cards today; applications must be destroyed with 30 days. This makes law enforcement job more difficult because can't determine who obtained the certificate as needed and who didn't. Julia Wyman asked whether a revoked Blue Card also become a NICS prohibitor? Discussion from the broader group was that it probably cannot. The Working Group agreed with the recommendations regarding Blue Cards and CCP.

Goldstein then began a discussion on High Capacity Semi-Automatic Rifles (Military Style Assault Weapons). She noted assault weapons bans in other states: CT includes specific weapons names, features tests, and grandfathering assault weapons. Noted data showing that assault weapons bans may help with curbing mass shootings, but said that assault weapons factor in a very small percentage of overall gun crimes. Also noted there is data showing some of the effectiveness of the federal ban.

Jim Manni spoke of the long-running discussion in the working group on banning assault weapons. Reviewed history of assault weapons from military weapons to now being marketed as sporting weapons. Data has emerged on the lethality of these weapons that was not present before. Discussed need to consider the need to "restrict" or "regulate" rather than "ban" assault weapons. Chief Mendonca asked whether a ban would include a law enforcement exemption. Would grandfathering provision apply to retired/former law enforcement? Goldstein and Manni confirmed that most assault weapons bans (including the proposal here) contain grandfathering provisions and exception for law enforcement. General discussion on why/how a retired police officer buys/needs an assault weapon after retirement. Major Michael Jagoda commented that coming from a state with an assault weapons ban, Connecticut, law enforcement needed a register. Only active military or active law enforcement could have assault rifles. Noted that federal courts have generally supported AWBs as well. Julia Wyman asked how effective has the registry been? Major Jagoda responded that a registry is an important and missing component from this proposal—essential to include. Chief Mendonca: Concurred that registry is incredibly important. Ranney stated it was important from the perspective public health. Eric Bronson concurred with that assessment. SA Troiano noted that the number of rounds in a weapon is most important concern. Chief Mello agreed, he noted that a fully loaded high caliber semi-automatic pistol was as dangerous, if not more so, than a semi-automatic rifle with a couple of rounds in it.

The discussion then veered into the topic of a gun registry. SA Troiano, Major Jagoda, Chief Mendonca, Chief Mello, and others noted that a registry would be extremely helpful in prosecuting straw-purchasers, and tracing crime guns. Noted that the current law banning a registry in Rhode Island impedes their work. Manni and Goldstein noted that this was a very controversial issue in the state and would

likely be difficult to accomplish. Derek Borek noted that, based on his work with the Multi-State Coalition for Gun Safety, it seemed to him that Rhode Island lagged seriously behind other states in the records it kept on firearms and on who was prohibited from getting a firearm.

The discussion then progressed to “High-Capacity Magazines.” Manni offered full support—anyone who hunts knows there are ammunition restrictions for hunting game. Asked the question of who needs a 30-round magazine—though acknowledged that there are so many high-capacity magazines out there, regulation may be difficult. Kasim Yarn noted that “ban” may not be the best terminology for the high-capacity magazine restriction; asked if it will ban actually help reduce the number of mass casualty events. Major Jagoda stated that with high-capacity magazines ban may have the potential to limit the number of casualties. Ranney: laws alone are not the full story—they can help even if not perfect but there are other factors that play in to this. Offered analogy to car safety features and how laws making cars safer didn’t immediately result in decline in injuries/death, but that these law had a significant impact over time. Chief Mendonca stated that over time, we’ll see improvements—it will take time, but we should start now with the law. Rosanna Campbell stated it was a “limitation” on ammunition, not a ban.

Goldstein: Asked for show of hands on the assault weapons ban and the high-capacity magazine. Seeing broad consensus on high-capacity magazine restrictions, that was considered settled. Seeing some disagreement on the Assault Weapons Ban (vast majority supported but a small minority of Working Group members did not) Goldstein then said we could acknowledge there was disagreement on final recommendation. Began discussion on some of the nuances of how both laws could work and what important distinctions to draw might be.

Goldstein put forth consensus recommendations: all were supportive of high-capacity magazine ban, and all would be supportive of increased restrictions on assault weapons including registration of those weapons and tougher restrictions on who may possess them.

Goldstein then launched the group in a discussion on “Mental Health & National Instant Criminal Background Check System (“NICS”) Reporting”:

- Noted the interest in getting a proposal that helps to secure guns in cases where people with serious mental health challenges can be separated from their firearms.
- Noted cases that elude NICS include “emergency certifications” and “voluntary commitments”—important to find a way to protect people at risk.

Dr. Ranney stated that we need to keep in mind that we need to avoid stigmatizing people with mental illness. These recommendations have been written accordingly. Matt Vargas stated that from a veterans’ perspective, MH stigma is a major factor in seeking care. Director Boss stated that we need to exercise care when using “emergency certification” when paired with “voluntary commitment.” “Voluntary

commitment” may not merit firearm prohibition in the way that “emergency certification” might, and we may need to create another process for helping to clear when a case should qualify as prohibiting or not. Meg Clingham noted that we may need to evaluate some of the premises in the proposal, and some of these premises should be evaluated to determine relationship to dangerousness which Clingham suggested should be the driving factor in prohibition. A smaller working group may be able to help figure this out. Maybe a separate process could help to streamline this.

Dr. Ranney noted that dangerousness may not be the only basis for prohibition; there may be other bases for prohibition. Lack of ability to manage your own affairs/incompetency finding might also be a basis. Goldstein noted that incompetency is already a disqualifier in state and federal law. The issue is NICS reporting of incompetency findings. Principal John Michaelson noted that we need two levels of training for academic officials: one for school administrators and another for teachers (potentially during teacher training). Consensus was that a smaller working group would be needed to sort through definitional and process issues regarding broader NICS reporting and guidance to mental health providers on sharing information.

Goldstein then began the group through a discussion of “Ban Firearms on School Grounds and Government Buildings.” Noted recent action on banning guns on school grounds. Lu Toro of Classical High School noted that this should include a buffer zone around the school. Reference was made to the killing of William Parsons the prior week and how it took place just outside school grounds. Jennifer Boylan wanted it clarified that this ban would apply to all schools – not just public schools. Jeff Hill agreed. Chief Mendonca noted the political challenges to tackling these issues before. Noted that we will want to include progress in previous legislative sessions, including specifically a provision to include retired law enforcement as a category. Discussed the fact that many retired law-enforcement obtain a federal certification allowing them to conceal carry, but noted that this is not entirely consistent with the permitting provided by the RIAG. Broad consensus for banning guns on school grounds with the proviso made for retired police.

Goldstein then led a discussion on “Gun Violence Prevention Resources for Schools.” Superintendent Auger noted that this proposal should garner lot of agreement from school officials. Principal Mendelsohn noted his agreement with the proposal and the urgent need for more mental health professionals. Superintendent Auger noted that need for licensed MH professionals—higher level of comfort with licensed professionals rather than guidance counselors for meeting mental health needs of students. Goldstein noted Governor’s plans to increase funding for mental health resources in schools and the creation of the BH Fund with investments by Blue Cross of \$1 million/year for 5 years. Chief Mendonca, need bite in “non-violence” and “anti-bullying” curricula—are schools actually doing this now as required? Needs funding as well. Paul Bueno de Mesquita, there recommendations should be legislated. Every school should adhere to these principles. Important as a

prevention strategy upstream. Evidence-base is strong on helping youth over the long term. Jennifer Boylan noted that these proposals were far superior to proposals for “hardening the schools” or increased school defense spending. Roseanna Campbell noted that some schools in RI are already doing the programs outlined here, but it may be anecdotal, not known if it’s happening system-wide. Jeff Hill noted that now schools only offer very cursory information of nonviolence programs they teach. State doesn’t offer enough funding for prevention programming, though there are federal dollars dedicated to it.

Goldstein asked Borek, whether the school safety committee considered mental health issues? Could that committee create a similar level of engagement there as it does for active-shooter training? Capt. Borek noted that the School Safety Committee will be focusing on mental health for the first time this year. He noted an upcoming conference put on by the School Safety Committee on mental health.

Crystal Monteiro noted that we need to focus on interventions before middle school/high school. Also need trainings for teachers to help them know how to intervene. Chief Mendonca and Major Perez both noted that prevention resources are much more important than fortification, and they need to start early. Teachers want these training resources and can help them. There need to be ways for teachers to follow through their concerns. PJ Fox noted that data sharing restrictions can pose significant hurdles to school-based coordination. Need to think about incentives for teachers rather than enforcement through regulation. Also need to consider union outreach to help bring teachers on board.

In sum, there was strong support for the proposals contained in gun violence prevention resources for schools.

Goldstein reviewed the “Strengthen Safe Storage Laws” proposal. Noted the data has indicates this would be beneficial. No comments from the Working Group.

Goldstein reviewed the “Enhance Suicide Prevention Resources” proposal. Discussed need for training and public awareness resources. Chief Mendonca said it was important to develop these resources for the judiciary. Suggested that the RIAG develop training for law enforcement and the courts on the Red Flag law. Prof. De Mesquita asked whether there was any data on suicides we could integrate into the proposal. Jeff Hill stated that RI maintains data on suicide and suicide prevention strategies. Julia Wyman noted other states, like Utah, have suicide reduction programs that have been well received. Major Jagoda noted that Duke University did research on Extreme Risk Warrants in Connecticut. HE noted that many individuals were not involved with mental health system prior to the warrant, but that afterwards 29% of the people got MH treatment. He noted that the study estimated that for every 15 guns seized, one life was saved. Jeff Hill noted that there are other factors at play in peoples’ lives other than an identified mental illness that may not be an established, known MH condition. John Wesley noted that it’s

important to flag domestic violence issues early and that we need additional training. There was strong support for the proposal.

Goldstein reviewed "Urban Violence" proposal. Noted that the recommendation supports community-police interaction programs, borrowing on successful local and national models. Proposal also focuses more proactively on anti-trafficking measures. PJ Fox noted the importance of non-governmental organizations to be involved with task forces. Matt Toro noted that this is another example of where a gun registry could be helpful in combatting trafficking of firearms. Chief Mendonca agreed that this could be helpful in identifying owners of "community guns." Agreed that community guns are a problem that should be tackled by the task force. Jennifer Boylan asked whether the proposal should address "anti-snitching culture." Principal Mendelsohn noted that following the death of William Parsons, the youth were very forthcoming. He noted that there was a good relationship with the police and folks wanted to help. PJ noted that the anti-snitch culture was weakening. In some communities but still prevalent in others. Noted that this takes time and depends on trust built between community and police. Paul Bueno de Mesquita noted that we have to deal with the "urban conditions which are the structural systemic soil" of crime. Need to have a community that's positive/empowering.

In sum, the Working Group was asked if anyone had any further comments/concerns regarding the proposals. Hearing none, the meeting was adjourned at approximately 6:15 p.m.