

2025 -- H 5130 SUBSTITUTE A

LC000134/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Boylan, Knight, Tanzi, Craven, McEntee, Dawson, Cruz,
Ajello, Caldwell, and Felix
Date Introduced: January 22, 2025
Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

11-47-2. Definitions.

When used in this chapter, the following words and phrases are construed as follows:

(1) “3D printing process” means 3D printing or additive manufacturing which is a process of making three (3) dimensional solid objects from a computer file and shall include any of various processes in which material is joined or solidified under computer control to create a three (3) dimensional object, with material being added together including liquid molecules or powder grains.

(2) “Antique firearm” is defined as that term is defined under the provisions of 18 U.S.C. § 921.

(3) “Binary trigger” means a device that replaces a standard trigger on a semi-automatic weapon and is designed to fire one round on the pull of the trigger and another round upon release of the trigger.

(4) “Bump-fire stock” means any device that replaces a semi-automatic weapon’s standard stock and is designed to slide back and forth rapidly, harnessing the weapon’s recoil to rapidly fire the weapon.

(5) “Crime gun” means any firearm used in a crime or identified by law enforcement as suspected of having been used in a criminal offense.

1 ~~(5)~~(6) “Crime of violence” means and includes any of the following crimes or an attempt
2 to commit any of them: murder, manslaughter, rape, first- or second-degree sexual assault, first- or
3 second-degree child molestation, kidnapping, first- and second-degree arson, mayhem, robbery,
4 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
5 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
6 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
7 28-4.01.1 or § 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a
8 dangerous weapon, assault or battery involving grave bodily injury, or assault with intent to commit
9 any offense punishable as a felony; upon any conviction of an offense punishable as a felony
10 offense under § 12-29-5.

11 ~~(6)~~(7) “Firearm” includes any machine gun, pistol, rifle, air rifle, air pistol, “blank gun,”
12 “BB gun,” or other instrument from which steel or metal projectiles are propelled, or that may
13 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows, and
14 except instruments propelling projectiles that are designed or normally used for a primary purpose
15 other than as a weapon. The frame or receiver of the weapon shall be construed as a firearm under
16 the provisions of this section.

17 ~~(7)~~(8) “Fugitive from justice” means any person who has fled from any state, territory, the
18 District of Columbia, or possession of the United States to avoid prosecution for a crime of violence
19 or to avoid giving testimony in any criminal proceeding.

20 ~~(8)~~(9) “Ghost gun” means a firearm, including a frame or receiver, that lacks a unique serial
21 number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer,
22 maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. It does
23 not include a firearm that has been rendered permanently inoperable, or a firearm that is not
24 required to have a serial number in accordance with the federal Gun Control Act of 1968.

25 ~~(9)~~(10) “Licensing authorities” means the board of police commissioners of a city or town
26 where the board has been instituted, the chief of police or superintendent of police of other cities
27 and towns having a regular organized police force, and, in towns where there is no chief of police
28 or superintendent of police, it means the town clerk who may issue licenses upon the
29 recommendation of the town sergeant, and it also means any other person or body duly authorized
30 by the city or town charter or by state law.

31 ~~(10)~~(11) “Machine gun” means any weapon that shoots, is designed to shoot, or can be
32 readily restored to shoot automatically more than one shot, without manual reloading, by a single
33 function of the trigger. The term also includes the frame or receiver of the weapon, any combination
34 of parts designed and intended for use in converting a weapon into a machine gun, and any

1 combination of parts from which a machine gun can be assembled if the parts are in the possession
2 or under the control of a person.

3 ~~(11)~~(12) “Major component” means, with respect to a firearm:

4 (i) The slide or cylinder or the frame or receiver of the firearm; and

5 (ii) In the case of a rifle or shotgun, includes the barrel of the firearm.

6 ~~(12)~~(13) “Person” includes an individual, partnership, firm, association, or corporation.

7 ~~(13)~~(14) “Pistol” includes any pistol or revolver, and any shotgun, rifle, or similar weapon
8 with overall length less than twenty-six inches (26”), but does not include any pistol or revolver
9 designed for the use of blank cartridges only.

10 ~~(14)~~(15) “Rifle” shall have the same meaning as in 26 U.S.C. § 5845(c), and by barrel
11 length and overall length not be subject to registration pursuant to the National Firearms Act, 26
12 U.S.C. ch. 53 (prior § 5801 et seq.).

13 ~~(15)~~(16) “Sawed-off rifle” means any rifle with overall length of less than twenty-six
14 inches (26”) or barrel length of less than sixteen inches (16”).

15 ~~(16)~~(17) “Sawed-off shotgun” means any shotgun with overall length of less than twenty-
16 six inches (26”) or barrel length of less than eighteen inches (18”).

17 ~~(17)~~(18) “Sell” includes let or hire, give, lend, and transfer, and “purchase” includes hire,
18 accept, and borrow, and “purchasing” shall be construed accordingly.

19 ~~(18)~~(19) “Shotgun” shall have the same meaning as in 26 U.S.C. § 5845(d), and by barrel
20 length and overall length not be subject to registration pursuant to the National Firearms Act, 26
21 U.S.C. ch. 53 (prior § 5801 et seq.).

22 ~~(19)~~(20) “Trigger crank” means a trigger actuator that attaches to the trigger of a semi-
23 automatic weapon and causes the weapon to fire by turning the crank handle.

24 ~~(20)~~(21) “Undetectable firearm” means any firearm that:

25 (i) After removal of all parts, other than a major component, is not as detectable by walk-
26 through metal detectors commonly used at airports or other public buildings; or

27 (ii) Any major component of which, if subjected to inspection by the types of detection
28 devices commonly used at airports or other public buildings for security screening, would not
29 generate an image that accurately depicts the shape of the component; or

30 (iii) Is manufactured wholly of plastic, fiberglass, or through a 3D printing process; or

31 (iv) Upon which the frame or receiver lacks a unique serial number engraved or cased into
32 on the frame or receiver by a licensed manufacturer, maker, or importer under federal law, or
33 markings in accordance with 27 C.F.R. § 479.102. Provided, however, this subsection shall not
34 apply to any firearm rendered permanently inoperable or a firearm manufactured prior to 1968.

1 SECTION 2. Chapter 12-1 of the General Laws entitled "Identification and Apprehension
2 of Criminals" is hereby amended by adding thereto the following section:

3 **12-1-10.2. Firearm's examination.**

4 (a) In the case of every offense in which a crime gun, as defined in § 11-47-2 is seized:

5 (1) The arresting/investigating police department shall submit the firearm or at least two
6 (2) test-fired cartridge cases to the state crime laboratory, the Federal Bureau of Alcohol, Tobacco,
7 Firearms and explosives (BATF) or any qualified law enforcement agency with personnel certified
8 in forensic ballistics examinations for testing and entry of test fired casings(s) into the national
9 integrated ballistic information network (NIBIN). Alternatively, the two (2) test-fired cartridge
10 casings may be entered into the NIBIN system available at the attorney general's office; and

11 (2) The arresting/investigating police department shall submit any information relative to
12 said firearm including, but not limited to, its make, model, and serial number to the BATF for
13 tracing.

14 (b) Whenever a law enforcement agency recovers any spent cartridge case(s) or shell
15 casing(s) at a crime scene or has reason to believe that the recovered spent cartridge case(s) or shell
16 casing(s) are related to or associated with the commission of a crime, the arresting/investigating
17 law enforcement agency shall, as soon as practicable, submit the ballistics information to the
18 NIBIN.

19 (c) Notwithstanding the provisions of subsection (a) of this section, if a person is arrested
20 for any offense and the investigating law enforcement agency seizes any firearm from that person,
21 that is not a "crime gun" as defined in § 11-47-2 then no ballistic testing pursuant to this section
22 shall occur.

23 (d) Notwithstanding the provisions of subsection (a) of this section, any person arrested for
24 any firearm offense, or in which the person's firearm or any other firearm owned or lawfully
25 possessed by that person undergoes ballistic testing, and the person is acquitted of all criminal
26 charges or otherwise exonerated or the charges are dismissed, the person shall be entitled to file a
27 motion with the court in which the acquittal, exoneration or dismissal occurred requesting an order
28 of the court that the ballistic test records and information related to the firearm(s) seized, taken or
29 under the direction of the attorney general or any law enforcement agency, be deleted from NIBIN
30 and/or any other database to which the law enforcement agency or the department of attorney
31 general has entered said information or data. The court may grant any such motion filed by an
32 acquitted or exonerated person or for a person where charges were dismissed; provided, however,
33 the provisions of this subsection shall not apply if the testing has indicated or determined that the
34 firearm is relevant evidence in an unrelated criminal investigation or prosecution. For purposes of

1 this subsection, "criminal charges" means any charge alleging a violation of a felony or
2 misdemeanor offense.

3 (e) Only a person claiming lawful possession or ownership of the firearm shall have
4 standing to seek relief and/or an order of the court pursuant to the provisions of subsection (c) or
5 (d) of this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- WEAPONS

1 This act would define “crime gun” and require law enforcement to submit any crime gun
2 or test fired cartridges or casings to the state crime laboratory or the Bureau of Alcohol, Tobacco
3 and Firearms (BATF) for ballistic testing and tracing. The results would be required to be entered
4 into the National Integrated Ballistic Information Network (NIBIN). This act would also prohibit
5 the ballistic testing of any firearm seized that is not a "crime gun" as defined in § 11-47-2. If a
6 firearm is tested and the person is acquitted of all criminal charges, the person shall be entitled to
7 file a motion requesting an order that all ballistic test results be deleted from NIBIN or any other
8 database unless the firearm is relevant evidence in an unrelated criminal investigation or
9 prosecution.
10 This act would take effect upon passage.

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