

2022 -- H 7300

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LC004273  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Caldwell, Kazarian, Craven, Knight, Slater, Kislak,  
Potter, Fogarty, Amore, and Biah

Date Introduced: February 02, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-60.1 of the General Laws in Chapter 11-47 entitled "Weapons"

2 is hereby amended to read as follows:

3 **11-47-60.1. Safe storage.**

4 (a) Nothing in this section shall be construed to reduce or limit any existing right to  
5 purchase and own firearms and/or ammunition or to provide authority to any state or local agency  
6 to infringe upon the privacy of any family, home or business except by lawful warrant.

7 (b) A person who stores or leaves a firearm in any place is guilty of the violation of unsafe  
8 storage of a firearm unless the firearm is secured in a locked container or equipped with a tamper-  
9 resistant mechanical lock or other safety device, properly engaged in order to render such firearm  
10 inoperable by any person other than the owner or other lawfully authorized user. For purposes of  
11 this section, such firearm shall not be deemed stored or left if the firearm is carried on the person  
12 or within such close proximity in order that the individual can readily retrieve and use the firearm  
13 as if carried on the person. Any violation of this subsection shall be punished by a fine of not more  
14 than three thousand dollars (\$3000).

15 ~~(b)~~(c) A person who stores or leaves on premises under his or her control a ~~loaded~~ firearm  
16 and who knows or reasonably should know that a child is likely to gain access to the firearm without  
17 the permission of the child's parent or guardian, and the child obtains access to the firearm and  
18 causes injury to himself or herself or any other person with the firearm, is guilty of the crime of  
19 criminal storage of a firearm and, upon conviction, shall be fined not more than ~~one~~ five thousand

1 dollars ~~(\$1,000)~~ (\$5,000) or imprisoned for not more than ~~one year~~ five (5) years, or both. For  
2 purposes of this section, a "child" is defined as any person who has not attained the age of ~~sixteen~~  
3 ~~(16)~~ eighteen (18) years.

4 ~~(e)~~(d) The provisions of subsection ~~(b)~~(c) of this section shall not apply whenever any of  
5 the following occurs:

6 (1) The child obtains the firearm as a result of an illegal entry of any premises by any  
7 person or an illegal taking of the firearm from the premises of the owner without permission of the  
8 owner;

9 (2) The firearm is ~~kept in a locked container or in a location which a reasonable person~~  
10 ~~would believe to be~~ secured in a locked container or equipped with a tamper-resistant mechanical  
11 lock or other safety device, properly engaged in order to render such firearm inoperable by any  
12 person other than the owner or other lawfully authorized user;

13 (3) The firearm is carried on the person or within such a close proximity so that the  
14 individual can readily retrieve and use the firearm as if carried on the person; and

15 (4) ~~The firearm is locked with a locking device;~~

16 (5) The child obtains or obtains and discharges the firearm in a lawful act of self-defense  
17 or defense of another person;

18 ~~(6) The person who keeps a loaded firearm on any premises which is under his or her~~  
19 ~~custody or control has no reasonable expectations, based on objective facts and circumstances, that~~  
20 ~~a child is likely to be present on the premises.~~

21 ~~(d)~~(e) (1) If the person who allegedly violated this section is the parent or guardian of a  
22 child who is injured or who dies as the result of an accidental shooting, the ~~attorney general's~~  
23 ~~department~~ attorney general shall consider among other factors, the impact of the injury or death  
24 on the person who has allegedly violated this section when deciding whether to prosecute an alleged  
25 violation.

26 (2) It is the intent of the general assembly that a parent or guardian of a child who is injured  
27 or who dies of an accidental shooting shall be prosecuted only in those instances in which the parent  
28 or guardian behaved in a grossly negligent manner.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would make it a violation for the owner of any firearm to store or leave the firearm  
2 unsecured. Failure to store the firearm properly would subject the owner to a fine of not more than  
3 three thousand dollars (\$3000). Additionally, if the owner of a firearm fails to store or leaves a  
4 firearm unsecured in a place where they reasonably know a child can likely gain access and it  
5 results in an injury or death to a child, the owner would be guilty of a felony and would be punished  
6 by up to five (5) years imprisonment or a fine of up to five thousand dollars (\$5,000), or both.

7           This act would take effect upon passage.

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