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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Caldwell, Almeida, Ruggiero, McEntee, and Tanzi

Date Introduced: February 27, 2019

Referred To: House Judiciary

(Governor/Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 47.1

4 ASSAULT WEAPONS

5 **11-47.1-1. Short title.**

6 This chapter shall be known and may be cited as the "Rhode Island Assault Weapons Ban
7 Act of 2019."

8 **11-47.1-2. Definitions.**

9 As used in this chapter, the following words and phrases shall have the following
10 meanings:

11 (1) "Ammunition feeding device" means any magazine, box, belt, drum, feed strip, or
12 similar device that holds ammunition for a firearm. As used in this chapter, the term shall include,
13 an ammunition feeding device with a removable floor plate or end plate, if the device can readily
14 be extended to accept more than ten rounds of ammunition. The term shall not include an
15 attached tubular device which is capable of holding only .22 caliber rimfire ammunition.

16 (2) "Assault weapon" means:

17 (i) A semi-automatic shotgun with a fixed magazine capacity exceeding six (6) rounds, or
18 that has the ability to accept a detachable magazine and a pistol grip, or a folding or telescopic
19 stock.

1 (ii) A semi-automatic rifle with a fixed magazine capacity exceeding ten (10) rounds or
2 with the ability to accept a detachable magazine and has at least one of the following features:

3 (A) A folding or telescoping stock;

4 (B) A pistol grip that protrudes conspicuously beneath the action of the weapon;

5 (C) A bayonet mount;

6 (D) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; or

7 (E) A grenade launcher. "Assault weapon" shall not include a semi-automatic rifle which
8 has an attached tubular device and which is capable of operating only with .22 caliber rimfire
9 ammunition.

10 (iii) A semi-automatic pistol that has an ability to accept a detachable magazine and has
11 at least one of the following features:

12 (A) An ammunition magazine that attaches to the pistol outside of the pistol grip;

13 (B) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward
14 handgrip, or silencer;

15 (C) A shroud that is attached to, or partially or completely encircles, the barrel and that
16 permits the shooter to hold the firearm with the non-trigger hand without being burned; or

17 (D) Manufactured weight of fifty ounces (50oz) or more when the pistol is unloaded.

18 (3) "Detachable magazine" means an ammunition feeding device that attaches to a
19 firearm and which can be removed without disassembly of the firearm.

20 (4) "Federally licensed firearm dealer" means a person who holds a valid federal firearm
21 dealers license issued pursuant to 18 U.S.C. § 923(a).

22 (5) "Federally licensed gunsmith" means a person who holds a valid federal firearm
23 gunsmiths license issued pursuant to 18 U.S.C. § 923(a).

24 (6) "Fixed magazine" means an ammunition feeding device that is permanently fixed to
25 the firearm in such a manner that it cannot be removed without disassembly of the firearm.

26 (7) "Folding, telescoping, or detachable stock" means a stock that folds, telescopes,
27 detaches or otherwise operates to reduce the length, size, or any other dimension, or otherwise
28 enhances the concealability, of a firearm.

29 (8) "Forward grip" means a grip or handle located forward of the trigger.

30 (9) "Grandfathered assault weapon" means any assault weapon for which a certificate of
31 possession has been issued pursuant to § 11-47.1-4.

32 (10) "Grenade launcher" means a device designed to fire, launch or propel a grenade.

33 (11) "Pistol grip" means a well-defined handle, similar to that found on a handgun, that
34 protrudes conspicuously beneath the action of the weapon, and which permits the weapon to be

1 held and fired with one hand.

2 (12) "Secure storage" means a firearm that is stored in a locked container or equipped
3 with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render
4 such weapon inoperable by any person other than the owner or other lawfully authorized user.

5 (13) "Semi-automatic" means a firearm which fires a single projectile for each single pull
6 of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet.

7 (14) "Threaded barrel" means threads on the muzzle end of a barrel and shall include, but
8 not be limited to, any barrel on which a flash suppressor, muzzle brake or silencer has been
9 attached.

10 **11-47.1-3. Restrictions on manufacture, sale, purchase and possession of assault**
11 **weapons.**

12 (a) No person shall manufacture, sell, offer to sell, transfer, purchase, possess, or have
13 under his or her control an assault weapon, except as otherwise authorized under this section. Any
14 person convicted of violating this subsection shall be punished by imprisonment of not more than
15 ten (10) years, or by a fine up to ten thousand dollars (\$10,000), and except for a first conviction
16 under this section shall not be afforded the provisions of suspension or deferment of sentence, nor
17 probation, and the assault weapon shall be subject to forfeiture.

18 (b) Subsection (a) shall not apply to:

19 (1) A person who, on the effective date of this chapter, lawfully possessed an assault
20 weapon within one year of the effective date of this chapter:

21 (i) Registers the assault weapon with the police department in the city or town where the
22 person resides or, if there is no such police department or the person resides out of state, with the
23 Rhode Island state police in accordance with the provisions of this section;

24 (ii) Renders the assault weapon inoperable, as provided in subsection (d) of this section;

25 (iii) Surrenders the assault weapon to the police department in the city or town where the
26 person resides, or, if there is no such police department or the person resides out of state, to the
27 Rhode Island state police, in accordance with the procedures for surrender of weapons set forth
28 by the police department or the Rhode Island state police; or

29 (iv) Transfers or sells the assault weapon to a licensed dealer or person or firm lawfully
30 entitled to own or possess such weapon.

31 (2)(i) A law enforcement officer exempt under §§ 11-47-9 and 11-47-9.1; or

32 (ii) A retired law enforcement officer exempt under §§ 11-47-9 and 11-47-9.1 who is not
33 otherwise prohibited from receiving such a weapon or feeding device from such agency upon
34 retirement, and who has a permit to carry pursuant to § 11-47-18(b).

1 (3) An active duty member of the armed forces of the United States or the national guard
2 who is authorized to possess and carry assault weapons.

3 (c) If the holder of a certificate to possess an assault weapon dies, or if the owner of an
4 assault weapon which has been registered pursuant to this chapter dies, then the heirs or estate of
5 the deceased person shall have one hundred eighty (180) days from the date of death to transfer
6 the firearm to a licensed dealer or person or firm lawfully entitled to own or possess such firearm;
7 voluntarily surrender the firearm to the police department in the city or town where the deceased
8 resided, or to the Rhode Island state police; remove the assault weapon from the state; within
9 ninety (90) days of obtaining title, register the assault weapon in accordance with the provisions
10 of § 11-47.1-4; or, render the weapon inoperable.

11 (d) If the owner of an assault weapon elects to render a weapon inoperable, the owner
12 shall file a certification, under penalty of perjury, on a form prescribed by the superintendent of
13 the state police, indicating the date on which the assault weapon was rendered inoperable. This
14 certification shall be filed with either the chief law enforcement officer of the municipality in
15 which the owner resides or, if there is no such police department, or in the case of an owner who
16 resides outside Rhode Island but stores or possesses an assault weapon in Rhode Island, with the
17 superintendent of the state police. For purposes of this section, "inoperable" shall mean that the
18 assault weapon is altered in such a manner that it cannot be immediately fired, and that the owner
19 or possessor of such weapon does not possess or have control over the parts necessary to make it
20 operable.

21 **11-47.1-4. Registration of assault weapons.**

22 (a) The owner of an assault weapon lawfully possessed on or before the effective date of
23 this chapter shall have one year from the effective date of this chapter to register that weapon. In
24 order to register an assault weapon, the owner shall:

25 (1) Complete an assault weapon registration statement, in the form to be prescribed by
26 the superintendent of the state police;

27 (2) Submit to a fingerprint-supported criminal background check to ascertain whether the
28 person is disqualified from the possession of firearms under this chapter; and,

29 (3) Pay a registration fee of twenty-five dollars (\$25.00) per each assault weapon;

30 (b) The information to be provided in the registration statement shall include, but shall
31 not be limited to:

32 (1) The full name, date of birth, and address of the registrant;

33 (2) The make, model, and serial number of the assault weapon being registered. For a
34 firearm manufactured before 1968 which was originally manufactured without a serial number,

1 identifying marks may be substituted for the serial number required by this subsection; and

2 (3) Each registration statement shall be signed by the registrant, and the signature shall
3 constitute a representation of the accuracy of the information contained in the registration
4 statement.

5 (c) For an applicant who resides in a municipality with an organized full-time police
6 department, the registration shall take place at the main office of the police department. For all
7 other applicants, the registration shall take place at the Rhode Island state police.

8 (d) Within ninety (90) days of the effective date of this chapter, the superintendent of the
9 state police shall prepare the registration statement as described in subsection (a) of this section
10 and a certificate of inoperability as described in § 11-47.1-3(d) above, and shall provide a suitable
11 supply of such statements to each organized full-time municipal police department and each state
12 police barracks.

13 (e) One copy of the completed assault weapons registration statement shall be returned to
14 the registrant and shall constitute a certificate of possession of that assault weapon. A second
15 copy shall be sent to the superintendent, and, if the registration takes place at a municipal police
16 department, a third copy shall be retained by that municipal police department. A fourth copy of
17 the registration statement shall be sent to the attorney general.

18 (f) A certificate of possession shall only authorize the possession of the assault weapon
19 specified in the certificate. Any person in possession of multiple assault weapons on the effective
20 date of this chapter must submit a separate registration statement in order to obtain a certificate of
21 possession for each of the assault weapons for which they are authorized to retain possession.

22 (g) The name and address of a person issued a certificate of possession shall be kept
23 confidential and shall not be disclosed without a lawful court order, except such records may be
24 disclosed to:

25 (1) State or federal law enforcement officers and state and federal probation and parole
26 officers acting in the performance of their duties; and

27 (2) The director of the department of behavioral healthcare, developmental disabilities
28 and hospitals (BHDDH), or designee, acting in the performance of his or her duties.

29 (h) If an assault weapon registered pursuant to the provisions of this section is used in the
30 commission of a crime, the registrant of that assault weapon shall be civilly liable for any
31 damages resulting from that crime. The liability imposed by this subsection shall not apply if the
32 assault weapon used in the commission of the crime was stolen and the registrant reported the
33 theft of the firearm to law enforcement authorities within twenty-four (24) hours of the
34 registrant's knowledge of the theft.

1 **11-47.1-5. Use and possession of assault weapons with certificate of possession.**

2 (a) Any person who has been issued a certificate of possession for an assault weapon as
3 provided for in this section may possess the assault weapon only under the following conditions:

4 (1) At that person's residence, place of business or other property owned by that person,
5 or on property owned by another person with the property owner's express permission, except the
6 grandfathered assault weapon shall be kept in secure storage when not in the immediate
7 possession and control of the grandfathered assault weapon owner;

8 (2) While on a target range which holds a regulatory or business license for the purpose
9 of practicing shooting at that target range;

10 (3) While on the premises of a licensed shooting club;

11 (4) While attending any exhibition, display or educational project which is about firearms
12 and which is sponsored by, conducted under the auspices of, or approved by a law enforcement
13 agency or a nationally or state recognized entity that fosters proficiency in, or promotes education
14 about firearms;

15 (5) While transporting the grandfathered assault weapon to any licensed gun dealer for
16 servicing or repair; or

17 (6) While transporting an assault weapon between any of the places set forth in
18 subsections (a)(1) through (a)(5) provided the assault weapon is placed in a secure storage.

19 (g) Any person who violates the provisions of this chapter shall be fined not more than
20 two thousand five hundred dollars (\$2,500), or imprisoned not more than three (3) years, or both,
21 and shall be subject to forfeiture of the assault weapon pursuant to § 11-47-22.

22 **11-47.1-6. Licensed firearm dealers -- Certificate of transfer.**

23 (a) If an owner of a grandfathered assault weapon sells or transfers the assault weapon to
24 a federally licensed firearm dealer, the dealer shall, at the time of delivery of the firearm, in
25 addition to any other reports required by law, execute a certificate of transfer, and cause copies of
26 the certificate of transfer to be mailed or delivered to the superintendent of the state police and the
27 attorney general.

28 (b) The certificate of transfer shall contain:

29 (1) The date of the sale or transfer;

30 (2) The name and address of the seller or transferor, and their social security number or
31 motor vehicle operator license number, if applicable;

32 (3) The federally licensed firearm dealer's federal firearms license number and seller or
33 transferor's certificate of possession number;

34 (4) A description of the grandfathered assault weapon, including the caliber of the assault

1 weapon and its make, model and serial number; and

2 (5) Any other information requested by the superintendent of the state police.

3 (c) The federally licensed firearm dealer shall retain possession of the seller or
4 transferor's certificate of possession and affix the certificate of possession to the certificate of
5 transfer before mailing or delivering copies of the certificate of transfer to the superintendent of
6 the state police and the attorney general.

7 (d) A federally licensed firearm dealer may receive and possess a lawfully grandfathered
8 assault weapon at their business premises, lawfully transport the grandfathered assault weapon
9 between dealers or out of the state, or lawfully sell or transfer the firearm outside the state.

10 (e) A federally licensed firearm dealer may take possession of a grandfathered assault
11 weapon for the purposes of servicing or repair from any person to whom certificate of possession
12 for such weapon has been issued pursuant this chapter.

13 (f) A federally licensed firearm dealer may temporarily transfer possession of a
14 grandfathered assault weapon received pursuant to subsection (a) to a federally licensed gunsmith
15 for the purpose of servicing or repairing the firearm.

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

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

1 This act would ban the possession, sale and transfer of assault weapons. Possession of
2 assault weapons owned on the effective date of this act would be "grandfathered" upon
3 registration and payment of a twenty-five dollar (\$25.00) registration fee. Violations are
4 punishable by a fine of up to ten thousand dollars (\$10,000), or up to ten (10) years
5 imprisonment.

6 This act would take effect upon passage.

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