

2013 -- S 0859

=====
LC02370
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO CRIMINAL OFFENSES -- GUN CONTROL AND SAFE FIREARMS ACT

Introduced By: Senators Miller, Nesselbush, Goldin, and Jabour

Date Introduced: April 11, 2013

Referred To: Senate Judiciary

(Governor)

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 GUN CONTROL AND SAFE FIREARMS ACT

5 **11-47.1-1. Short title.** -- This chapter shall be known as and may be cited as the "Gun
6 Control and Safe Firearms Act."

7 **11-47.1-2. Restrictions on manufacture, sale, purchase, and possession of certain**
8 **semiautomatic assault weapons.** -- (a) It shall be unlawful for a person to manufacture, sell,
9 purchase, or possess a semiautomatic assault weapon.

10 (b) The term "semiautomatic assault weapon" means:

11 (1) A semiautomatic rifle that has an ability to accept a detachable magazine and has at
12 least two (2) of the following characteristics:

13 (i) A folding or telescoping stock;

14 (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon;

15 (iii) A thumbhole stock;

16 (iv) A bayonet mount;

17 (v) A threaded barrel designed to accommodate a flash suppressor, muzzle break, or
18 muzzle compensator;

19 (vi) A grenade launcher; or

1 (2) A semiautomatic shotgun that has at least two (2) of the following characteristics:
2 (i) A folding or telescoping stock;
3 (ii) A thumbhole stock;
4 (iii) A second handgrip or a protruding grip that can be held by the non-trigger hand;
5 (iv) A fixed magazine capacity in excess of seven (7) rounds;
6 (v) An ability to accept a detachable magazine; or
7 (3) A semiautomatic pistol that has an ability to accept a detachable magazine and has at
8 least two (2) of the following characteristics:
9 (i) A second handgrip or a protruding grip that can be held by the non-trigger hand;
10 (ii) Capacity to accept an ammunition magazine that attaches to the pistol outside of the
11 pistol grip;
12 (iii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward
13 handgrip, or silencer;
14 (iv) A shroud that is attached to, or partially or completely encircles, the barrel and that
15 permits the shooter to hold the firearm with the non-trigger hand without being burned;
16 (v) A manufactured weight of fifty (50) ounces or more when the pistol is unloaded; or
17 (vi) A semiautomatic version of an automatic rifle, shotgun or firearm;
18 (4) A revolving cylinder shotgun;
19 (5) Provided, however, that such term does not include:
20 (i) Any rifle, shotgun or pistol that:
21 (A) Is manually operated by bolt, pump, lever or slide action;
22 (B) Has been rendered permanently inoperable; or
23 (C) Is an antique firearm as defined in 18 U.S.C. 921(a)(16);
24 (ii) A semiautomatic rifle that cannot accept a detachable magazine that holds more than
25 ten (10) rounds of ammunition;
26 (iii) A semiautomatic shotgun that cannot hold more than ten (10) rounds of ammunition
27 in a fixed or detachable magazine; or
28 (iv) Any firearm, rifle, or shotgun that was manufactured prior to July 1, 1963;
29 (c) On or after July 1, 2013, any semiautomatic assault weapon that was legally possessed
30 prior to July 1, 2013 may only be sold to:
31 (1) A purchaser authorized to possess such weapon pursuant to section 11-47-43; or
32 (2) A purchaser outside of the state.
33 (d) A person who sells or purchases any semiautomatic assault weapon without
34 complying with the provisions of this subsection shall be punished, upon conviction, by

1 imprisonment for not less than ten (10) years and not more than twenty (20) years.

2 **11-47.1-3. Ban of large capacity ammunition feeding devices.** -- (a) It shall be
3 unlawful for a person to manufacture, sell, purchase, or possess a large capacity ammunition
4 feeding device.

5 (b) "Large capacity ammunition feeding device" means a magazine, belt, drum, feed
6 strip, or similar device, that was manufactured on or after July 1, 2013 and has:

7 (1) A capacity of, or that can be readily restored or converted to accept, more than ten
8 (10) rounds of ammunition; or

9 (2) Contains more than ten (10) rounds of ammunition; or

10 (3) Has a capacity of, or that can be readily restored or converted to accept, more than ten
11 (10) rounds of ammunition; provided, however, that such term does not include an attached
12 tubular device designed to accept, and capable of operating only with, .22 caliber rimfire
13 ammunition or a feeding device that is a curio or relic. A feeding device that is a curio or relic is
14 defined as a device that:

15 (i) Was manufactured prior to July 1, 1963;

16 (ii) Is only capable of being used exclusively in a firearm, rifle, or shotgun that was
17 manufactured at least fifty (50) years prior to the current date, but not including replicas thereof;
18 and

19 (iii) Is possessed by an individual who is not prohibited by state or federal law from
20 possessing a firearm.

21 (c) On or after July 1, 2013, any feeding device defined in subdivisions (b)(1), (b)(2), and
22 (b)(3) above that was legally possessed prior to July 1, 2013 may only be sold to: (1) A purchaser
23 authorized to possess such feeding device pursuant to section 11-47-43; or (2) A purchaser
24 outside of the state.

25 (d) A person who sells or purchases any such feeding device without complying with the
26 provisions of this subsection shall be punished, upon conviction, by imprisonment for not less
27 than ten (10) years and not more than twenty (20) years.

28 **11-47.1-4. Definitions.** -- Words and phrases not defined within this chapter shall have
29 the meanings set forth in section 11-47-2.

30 **11-47.1-5. Severability.** -- If any clause, sentence, paragraph, section, or part of this
31 chapter shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall
32 not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the
33 clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which
34 the judgment shall have been rendered.

1 SECTION 2. Section 11-47-43 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is hereby amended to read as follows:

3 ~~11-47-43. Collectors and police officers exempt from section 11-47-42~~ **Certain**
4 **exemptions for collectors and police officers.** -- The provisions of section 11-47-42, so far as
5 they forbid the possession of certain instruments or weapons, shall not apply to any person who
6 possesses or is making a collection of the weapons as curios or for educational, professional,
7 scientific, or any other lawful purpose, without intent to use the instrument or weapon unlawfully.
8 Nor shall the provisions of section 11-47-42, so far as they relate to the possession or carrying of
9 any billy, or the provisions of section 11-47.1-2 or section 11-47.1-3, apply to sheriffs,
10 constables, police, or other officers or guards whose duties require them to arrest or to keep and
11 guard prisoners or property, nor to any person summoned by those officers to aid them in the
12 discharge of their duties while actually engaged in their duties.

13 SECTION 3. Section 11-47-2 of the General Laws in Chapter 11-47 entitled "Weapons"
14 is hereby amended to read as follows:

15 **11-47-2. Definitions.** -- When used in this chapter, the following words and phrases are
16 construed as follows:

17 (1) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
18 section 921.

19 (2) "Crime of violence" means and includes any of the following crimes or an attempt to
20 commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or
21 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,
22 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
23 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
24 controlled substance classified in schedule I or schedule II of section 21-28-2.08, any violation of
25 section 21-28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes,
26 assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault
27 with intent to commit any offense punishable as a felony; ~~upon any conviction of an~~ and any
28 offense punishable as a felony offense under section 12-29-5.

29 (3) "Feeding device" means a fixed or detachable magazine, belt, drum, feed strip, or
30 similar device capable of accepting, or that can be readily converted to accept, rounds of
31 ammunition or shotgun shells.

32 ~~(3)~~(4) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun,"
33 "BB gun," or other instrument from which steel or metal projectiles are propelled, or which may
34 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,

1 and except instruments propelling projectiles which are designed or normally used for a primary
2 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a
3 firearm under the provisions of this section.

4 ~~(4)~~(5) "Fugitive from justice" means any person who has fled from any state, territory,
5 the District of Columbia, or possession of the United States to avoid prosecution for a crime of
6 violence or to avoid giving testimony in any criminal proceeding.

7 ~~(5)~~(6) "Licensing authorities" means ~~the board of police commissioners of a city or town~~
8 ~~where the board has been instituted, the chief of police or superintendent of police of other cities~~
9 ~~and towns having a regular organized police force, and, in towns where there is no chief of police~~
10 ~~or superintendent of police, it means the town clerk who may issue licenses upon the~~
11 ~~recommendation of the town sergeant, and it also means~~ any other person persons or body bodies
12 duly authorized by ~~the city or town charter or by~~ state law to issue licenses relating to the
13 purchase, sale, or possession of firearms.

14 ~~(6)~~(7) "Machine gun" means any weapon which shoots, is designed to shoot, or can be
15 readily restored to shoot automatically more than one shot, without manual reloading, by a single
16 function of the trigger. The term also includes the frame or receiver of the weapon, any
17 combination of parts designed and intended for use in converting a weapon into a machine gun,
18 and any combination of parts from which a machine gun can be assembled if the parts are in the
19 possession or under the control of a person.

20 ~~(7)~~(8) "Person" includes an individual, partnership, firm, association, or corporation.

21 ~~(8)~~(9) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon
22 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver
23 designed for the use of blank cartridges only.

24 ~~(9)~~(10) "Sawed-off rifle" means any rifle with overall length of less than twenty-six
25 inches (26") and/or barrel length of less than sixteen inches (16").

26 ~~(10)~~(11) "Sawed-off shotgun" means any shotgun with overall length of less than
27 twenty-six inches (26") and/or barrel length of less than eighteen inches (18").

28 ~~(11)~~(12) "Sell" includes let or hire, give, lend, dispose, and transfer, and "purchase"
29 includes hire, accept, and borrow, and ~~"purchasing"~~ any and all variations of the terms of "sell"
30 and "purchase" shall be construed accordingly.

31 (13) "Semiautomatic" means any firearm capable of utilizing a portion of the energy of a
32 firing cartridge to extract the fired cartridge case and chamber the next round, and requiring a
33 separate pull of the trigger to fire each cartridge.

1 SECTION 4. This act shall take effect upon passage.

=====
LC02370
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- GUN CONTROL AND SAFE FIREARMS ACT

- 1 This act would impose restrictions on the manufacture, transfer and possession of certain
- 2 semiautomatic assault weapons. It would ban large capacity ammunition feed devices.
- 3 This act would take effect upon passage.

=====
LC02370
=====