

2021 -- H 5726

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Diaz, and Slater

Date Introduced: February 24, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-2 and 11-47-51 of the General Laws in Chapter 11-47 entitled
2 "Weapons" is hereby amended to read as follows:

3 **11-47-2. Definitions.**

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

5 (1) "3D printing process" means 3D printing or additive manufacturing which is a process
6 of making three (3) dimensional solid objects from a computer file and shall include any of various
7 processes in which material is joined or solidified under computer control to create a three (3)
8 dimensional object, with material being added together including liquid molecules, or powder
9 grains.

10 (2) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
11 § 921.

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

15 (4) "Bump-fire stock" means any device that replaces a semi-automatic weapon's standard
16 stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to rapidly fire
17 the weapon.

18 (5) "Crime of violence" means and includes any of the following crimes or an attempt to
19 commit any of them: murder, manslaughter, rape, first- or second-degree sexual assault, first- or

1 second-degree child molestation, kidnapping, first- and second-degree arson, mayhem, robbery,
2 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
3 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
4 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
5 28-4.01.1 or § 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a
6 dangerous weapon, assault or battery involving grave bodily injury, or assault with intent to commit
7 any offense punishable as a felony; upon any conviction of an offense punishable as a felony
8 offense under § 12-29-5.

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

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

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

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

29 (10) "Machine gun" means any weapon that shoots, is designed to shoot, or can be readily
30 restored to shoot automatically more than one shot, without manual reloading, by a single function
31 of the trigger. The term also includes the frame or receiver of the weapon, any combination of parts
32 designed and intended for use in converting a weapon into a machine gun, and any combination of
33 parts from which a machine gun can be assembled if the parts are in the possession or under the
34 control of a person.

1 (11) "Major component" means, with respect to a firearm:

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

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

4 (12) "Person" includes an individual, partnership, firm, association, or corporation.

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

8 (14) "Rifle" means a firearm having a rifled bore with a barrel length equal to or greater
9 than sixteen inches (16") with an overall length equal to or greater than twenty six inches (26"),
10 and capable of discharging a shot or bullet for each pull of the trigger.

11 ~~(14)~~(15) "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches
12 (26") or barrel length of less than sixteen inches (16").

13 ~~(15)~~(16) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-
14 six inches (26") or barrel length of less than eighteen inches (18").

15 ~~(16)~~(17) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
16 accept, and borrow, and "purchasing" shall be construed accordingly.

17 (18) "Shotgun" means a firearm having a smooth bore with a barrel length equal to or
18 greater than eighteen inches (18") with an overall length equal to or greater than twenty six inches
19 (26"), and capable of discharging a shot or bullet for each pull of the trigger.

20 ~~(17)~~(19) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-
21 automatic weapon and causes the weapon to fire by turning the crank handle.

22 ~~(18)~~(20) "Undetectable firearm" means any firearm that:

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

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

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

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

33 **11-47-51. Loaded weapons in vehicles Loaded rifles and shotguns in vehicles and**
34 **roadways.**

1 (a) It is unlawful for any person to have in his or her possession a loaded rifle or loaded
2 shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been
3 removed ~~in or on any vehicle or conveyance or its attachments~~ while upon or along any public
4 highway, road, lane, or trail within this state; provided, that the provisions of this section shall not
5 apply to deputy sheriffs, the superintendent and members of the state police, prison or jail wardens
6 or their deputies, members of the city or town police force, investigators of the department of
7 attorney general appointed pursuant to § 42-9-8.1, the director, assistant director and other
8 inspectors and agents at the Rhode Island state fugitive task force appointed pursuant to § 12-6-7.2,
9 nor to other duly appointed law enforcement officers, including conservation officers, nor to
10 members of the Army, Navy, Air force, or Marine Corps of the United States, or the National Guard
11 or organized reserves, when on duty, nor to officers or employees of the United States authorized
12 by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying
13 sidearms or a concealed firearm in the performance of his or her official duties under the authority
14 of the commanding officer of the military establishment in the state of Rhode Island where he or
15 she is employed by the United States nor to persons legally engaged in hunting activity pursuant to
16 § 20-18-3.

17 (b) Any person convicted of violating the provisions of this section shall be punished by
18 imprisonment of not more than five (5) years, or by a fine of up to five thousand dollars (\$5,000).

19 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 define rifle and shotgun and makes it unlawful to possess a loaded rifle or
2 shotgun in public subject to various exemptions for law enforcement and other authorized
3 individuals.

4 This act would take effect upon passage.

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