

2020 -- S 2596

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senator Erin Lynch Prata

Date Introduced: February 25, 2020

Referred To: Senate Judiciary

(Governor/Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-2 and 11-47-51 of the General Laws in Chapter 11-47 entitled

2 "Weapons" are 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) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
6 § 921.

7 (2) "Binary trigger" means a device that replaces a standard trigger on a semi-automatic
8 weapon and is designed to fire one round on the pull of the trigger and another round upon release
9 of the trigger.

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

13 (4) "Crime of violence" means and includes any of the following crimes or an attempt to
14 commit any of them: murder, manslaughter, rape, first- or second-degree sexual assault, first- or
15 second-degree child molestation, kidnapping, first- and second-degree arson, mayhem, robbery,
16 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
17 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
18 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
19 28-4.01.1 or § 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a

1 dangerous weapon, assault or battery involving grave bodily injury, or assault with intent to commit
2 any offense punishable as a felony; upon any conviction of an offense punishable as a felony
3 offense under § 12-29-5.

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

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

13 (7) "Licensing authorities" means the board of police commissioners of a city or town
14 where the board has been instituted, the chief of police or superintendent of police of other cities
15 and towns having a regular organized police force, and, in towns where there is no chief of police
16 or superintendent of police, it means the town clerk who may issue licenses upon the
17 recommendation of the town sergeant, and it also means any other person or body duly authorized
18 by the city or town charter or by state law.

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

25 (9) "Person" includes an individual, partnership, firm, association, or corporation.

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

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

32 ~~(11)~~(12) "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches
33 (26") or barrel length of less than sixteen inches (16").

34 ~~(12)~~(13) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-

1 six inches (26") or barrel length of less than eighteen inches (18").

2 ~~(13)~~(14) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
3 accept, and borrow, and "purchasing" shall be construed accordingly.

4 (15) "Shotgun" means a firearm having a smooth bore with a barrel length equal to or
5 greater than eighteen inches (18") with an overall length equal to or greater than twenty six inches
6 (26"), and capable of discharging a shot or bullet for each pull of the trigger.

7 ~~(14)~~(16) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-
8 automatic weapon and causes the weapon to fire by turning the crank handle.

9 **11-47-51. Loaded weapons in vehicles Loaded rifles and shotguns in vehicles and**
10 **roadways.**

11 (a) It is unlawful for any person to have in his or her possession a loaded rifle or loaded
12 shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been
13 removed ~~in or on any vehicle or conveyance or its attachments~~ while upon or along any public
14 highway, road, lane, or trail within this state; provided, that the provisions of this section shall not
15 apply to deputy sheriffs, the superintendent and members of the state police, prison or jail wardens
16 or their deputies, members of the city or town police force, investigators of the department of
17 attorney general appointed pursuant to § 42-9-8.1, the director, assistant director and other
18 inspectors and agents at the Rhode Island state fugitive task force appointed pursuant to § 12-6-7.2,
19 nor to other duly appointed law enforcement officers, including conservation officers, nor to
20 members of the Army, Navy, Air force, or Marine Corps of the United States, or the National Guard
21 or organized reserves, when on duty, nor to officers or employees of the United States authorized
22 by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying
23 sidearms or a concealed firearm in the performance of his or her official duties under the authority
24 of the commanding officer of the military establishment in the state of Rhode Island where he or
25 she is employed by the United States nor to persons legally engaged in hunting activity pursuant to
26 § 20-18-3.

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

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

4 This act would take effect upon passage.

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