

2017 -- H 5262

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Diaz, Slater, Williams, and Maldonado

Date Introduced: January 27, 2017

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-8, 11-47-9 and 11-47-30 of the General Laws in Chapter 11-
2 47 entitled "Weapons" are hereby amended to read as follows:

3 **11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**

4 (a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-
5 12 and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her
6 person whether visible or concealed, except in his or her dwelling house or place of business or
7 on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of
8 these sections shall not apply to any person who is the holder of a valid license or permit issued
9 by the licensing authority of another state, or territory of the United States, or political
10 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any
11 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the
12 person is merely transporting the firearm through the state in a vehicle or other conveyance
13 without any intent on the part of the person to detain him or herself or remain within the state of
14 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as
15 otherwise provided in this chapter. Every person violating the provision of this section shall, upon
16 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by
17 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this
18 section shall not be afforded the provisions of suspension or deferment of sentence, nor a
19 probation.

1 (b) No person shall have in his or her possession or under his or her control any sawed-
2 off shotgun or sawed-off rifle as defined in § 11-47-2. Any person convicted of violating this
3 subsection shall be punished by imprisonment for up to ten (10) years, or by a fine of up to five
4 thousand dollars (\$5,000), or both.

5 (c) No person shall have in his or her possession or under his or her control any firearm
6 while the person delivers, possesses with intent to deliver, or manufactures a controlled
7 substance. Any person convicted of violating this subsection shall be punished by imprisonment
8 for not less than two (2) years nor more than twenty (20) years, and the sentence shall be
9 consecutive to any sentence the person may receive for the delivery, possession with intent to
10 deliver, or the manufacture of the controlled substance. It shall not be a defense to a violation of
11 this subsection that a person has a license or permit to carry or possess a firearm.

12 (d) No person shall carry a rifle or shotgun in any vehicle or conveyance or on or about
13 their person whether visible or concealed, except in their dwelling house or place of business or
14 on land possessed by them. Every person violating the provisions of this subsection shall, upon
15 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by
16 a fine up to ten thousand dollars (\$10,000), or both, except on a first conviction under this
17 section, the person shall not be eligible for a suspended or deferred sentence or probation. This
18 subsection shall not apply to those persons engaged in lawful hunting activity as provided in
19 chapter 13 of title 20, lawful target shooting within this state or otherwise exempt pursuant to
20 §11-47-9.

21 **11-47-9. Persons exempt from restrictions.**

22 (a) The provisions of § 11-47-8 shall not apply to sheriffs; deputy sheriffs; the
23 superintendent and members of the state police; members of the Rhode Island airport police
24 department; members of the Rhode Island state marshals; Rhode Island state fire marshal; chief
25 deputy state fire marshals; deputy state fire marshals assigned to the bomb squad, and those
26 assigned to the investigation unit; Providence fire department arson investigators, provided that
27 the investigator receiving the permit is a graduate of a police-training academy; correctional
28 officers, within the department of corrections; members of the city or town police force; capitol
29 police investigators of the department of attorney general appointed pursuant to § 42-9-8.1; the
30 witness protection coordinator for the witness protection review board as set forth in chapter 30
31 of title 12 and subject to the minimum qualifications of § 42-9-8.1; automobile theft investigators
32 of the Rhode Island state police pursuant to § 31-50-1; railroad police while traveling to and from
33 official assignments or while on assignments; conservation officers; or other duly appointed law
34 enforcement officers; nor to members of the Army, Navy, Air Force, and Marine Corps of the

1 United States, the National Guard, or organized reserves, when on duty; nor to members of
2 organizations by law authorized to purchase or receive firearms from the United States or this
3 state, provided these members are at, or going to or from, their places of assembly or target
4 practice; nor to officers or employees of the United States authorized by law to carry a concealed
5 firearm; nor to any civilian guard or criminal investigator carrying sidearms or a concealed
6 firearm in the performance of his or her official duties under the authority of the commanding
7 officer of the military establishment in the state of Rhode Island where he or she is employed by
8 the United States; nor to any civilian guard carrying sidearms or a concealed firearm in the
9 performance of his or her official duties under the authority of the adjutant general where he or
10 she is employed guarding a national guard facility, provided, that the commanding officer of the
11 military establishment shall have on file with the attorney general of this state a list of the names
12 and addresses of all civilian guards and criminal investigators so authorized; nor to duly
13 authorized military organizations when on duty; nor to members when at, or going to or from,
14 their customary places of assembly; nor to any individual employed in the capacity of warden,
15 associate warden, major, captain, lieutenant, sergeant, correctional officer or investigator at any
16 project owned or operated by a municipal detention facility corporation, including the Donald W.
17 Wyatt Detention Facility; nor to the regular and/or ordinary transportation of pistols, ~~or~~ revolvers,
18 rifles, or shotguns as merchandise; nor to any person while transporting a pistol, ~~or~~ revolvers,
19 rifles, or shotguns, unloaded from the place of purchase to their residence; or place of business,
20 from their residence to their place of business or from their place of business to their residence, or
21 to a federal firearms licensee for the purpose of sale, to or from a bona fide gunsmith, or firearms
22 repair facility, to any police station or other location designated as a site of a bona fide "gun buy-
23 back" program, but only if said pistol, ~~or~~ revolver, rifle, or shotgun is unloaded and any
24 ammunition for said pistol, ~~or~~ revolver, rifle, or shotgun is not readily or directly accessible from
25 the passenger compartment of such vehicle while transporting same and further provided, that in
26 the case of a vehicle without a compartment separate from the passenger compartment, the
27 firearm or the ammunition shall be stored in a locked container.

28 (b) Persons exempted by the provisions of this section from the provisions of § 11-47-8
29 shall have the right to carry concealed firearms everywhere within this state; provided, that this
30 shall not be construed as giving the right to carry concealed firearms to a person transporting
31 firearms as merchandise or as household or business goods.

32 **11-47-30. Sale, transfer or delivery of firearms to minors.**

33 (a) It shall be unlawful within this state for any person to sell, transfer, give, convey, or
34 cause to be sold, transferred, given or conveyed any firearm to any person under eighteen (18)

1 years of age, when the person knows or has reason to know that the recipient is under eighteen
2 (18) years of age, except for the limited purposes set forth in §§ 11-47-33 and 11-47-34 and with
3 the prior approval or consent of the parent or legal guardian of the minor.

4 (b) Every person violating ~~this section~~ subsection (a) of this section shall be punished,
5 upon conviction, by imprisonment for not less than ten (10) years and not more than twenty (20)
6 years. The prohibitions of this section shall not apply to any federally and state licensed retail
7 dealer who makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of
8 an air rifle, air pistol, "blank gun" or "BB gun."

9 (c) If the firearm unlawfully sold, transferred, given, conveyed, or caused to be sold,
10 transferred, given or conveyed to any person under eighteen (18) years of age is used in a crime
11 of violence, the person found in violation of subsection (a) of this section, upon conviction, shall
12 be punished by imprisonment of not less than fifteen (15) years. The sentence shall be
13 consecutive to any sentence the person may receive for committing the underlying offense as set
14 forth in subsection (a) of this section.

15 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 make it unlawful for any person carry a rifle or shotgun in any vehicle or
2 conveyance or on or about their person except under limited circumstances of at least fifteen (15)
3 years imprisonment. The act would also provide an enhanced penalty to those who unlawfully
4 sold, transferred, given, conveyed, or caused to be sold, transferred, given or conveyed a firearm
5 to any person under eighteen (18) years of age and that firearm is used in a crime of violence.

6 This act would take effect upon passage.

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