

2018 -- H 8119

LC005509

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Lima, Costantino, Corvese, Casey, and Bennett

Date Introduced: April 26, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-2 and 11-47-42 of the General Laws in Chapter 11-47
2 entitled "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) "Crime of violence" means and includes any of the following crimes or an attempt to
8 commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or
9 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,
10 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
11 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
12 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
13 28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a
14 dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to
15 commit any offense punishable as a felony; upon any conviction of an offense punishable as a
16 felony offense under § 12-29-5.

17 (3) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB
18 gun," or other instrument from which steel or metal projectiles are propelled, or which may
19 readily be converted to expel a projectile, except crossbows, recurve, compound, [stun guns](#),

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

4 (4) "Fugitive from justice" means any person who has fled from any state, territory, the
5 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) "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 or body duly authorized
12 by the city or town charter or by state law.

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

19 (7) "Person" includes an individual, partnership, firm, association, or corporation.

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

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

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

27 (11) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
28 accept, and borrow, and "purchasing" shall be construed accordingly.

29 [\(12\) "Stun gun" means any mechanism that is:](#)

30 [\(i\) Designed to emit an electronic, magnetic, or other type of charge that equals or does](#)
31 [not exceed the equivalency of a five \(5\) milliamp sixty \(60\) hertz shock; and](#)

32 [\(ii\) Used for the purpose of temporarily incapacitating a person.](#)

33 [\(13\) "Taser" means any mechanism that, through the use of compressed nitrogen gas as](#)
34 [the propellant, is:](#)

1 [\(i\) Designed to emit an electronic, magnetic, or other type of charge or shock through the](#)
2 [use of a projectile; and](#)

3 [\(ii\) Used for the purpose of temporarily incapacitating a person.](#)

4 **11-47-42. Weapons other than firearms prohibited.**

5 (a) (1) No person shall carry or possess or attempt to use against another any instrument
6 or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag, metal
7 knuckles, slap glove, bludgeon, ~~stun gun~~, or the so called "Kung-Fu" weapons.

8 (2) No person shall with intent to use unlawfully against another, carry or possess a
9 crossbow, [stun gun, taser](#), dagger, dirk, stiletto, sword-in-cane, bowie knife, or other similar
10 weapon designed to cut and stab another.

11 (3) No person shall wear or carry concealed upon his person, any of the above-mentioned
12 instruments or weapons, or any razor, or knife of any description having a blade of more than
13 three (3) inches in length measuring from the end of the handle where the blade is attached to the
14 end of the blade, or other weapon of like kind or description.

15 Any person violating the provisions of these subsections shall be punished by a fine of
16 not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or
17 both, and the weapon so found shall be confiscated.

18 Any person violating the provisions of these subsections while he or she is incarcerated
19 within the confines of the adult correctional institutions shall be punished by a fine of not less
20 than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by
21 imprisonment for not less than one year nor more than five (5) years, or both, and the weapon so
22 found shall be confiscated.

23 (b) No person shall sell to a person under eighteen (18) years of age, without the written
24 authorization of the minor's parent or legal guardian, any stink bomb, blackjack, slingshot, bill,
25 sandclub, sandbag, metal knuckles, slap glove, bludgeon, ~~stungun~~, paint ball gun, so called
26 "kung-fu" weapons, dagger, dirk, stiletto, sword-in-cane, bowie knife, razor, or knife of any
27 description having a blade of more than three inches (3") in length as described in subsection (a)
28 of this section, or any multi-pronged star with sharpened edges designed to be used as a weapon
29 and commonly known as a Chinese throwing star, except that an individual who is actually
30 engaged in the instruction of martial arts and licensed under § 5-43-1 may carry and possess any
31 multi-pronged star with sharpened edges for the sole purpose of instructional use. Any person
32 violating the provisions of this subsection shall be punished by a fine of not less than one
33 thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment for
34 not less than one year nor more than five (5) years, or both, and the weapons so found shall be

1 confiscated.

2 SECTION 2. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
3 by adding thereto the following section:

4 **11-47-64. Stun guns-Tasers-Possession and sale permitted.**

5 (a) Any person eighteen (18) years of age or older may purchase, carry, or possess a stun
6 gun.

7 (b) Any person eighteen (18) years of age or older may purchase, carry, or possess a taser
8 provided that they:

9 (1) Pass a state criminal records background check; and

10 (2) Present to the person selling the taser a taser safety certificate issued by the
11 department of environmental management. The certificate shall be retained in the possession of
12 the buyer, and shall certify that the purchaser has completed a basic taser safety course which
13 shall be administered by the department of environmental management.

14 (c) The department of environmental management shall establish the basic taser safety
15 course required by this section. The safety course shall consist of not less than two (2) hours of
16 instruction in the safe use and handling of tasers, and the course shall be available to buyers
17 continually throughout the year, at convenient times and places, but at least monthly at locations
18 throughout the state, or more frequently as required. No person shall be required to complete the
19 course more than once; provided, that any person completing the course who is unable to produce
20 the safety certificate issued by the department of environmental management shall be required to
21 take the course again, unless the person provides evidence to the department that he or she has
22 successfully completed the course.

23 (d) Any person who has reason to believe that he or she does not need the required taser
24 safety course may apply by any written means to the department of environmental management to
25 take an objective test on the subject of matter of the taser safety course. The test shall be
26 prepared, as well as an instruction manual upon which the test shall be based, by the department.
27 The manual shall be made available by any means to the applicant who may, within the time
28 limits for application, take the objective test at the department or at any location where the taser
29 safety course is being given. Any person receiving a passing grade on the test shall be issued a
30 taser safety certificate by the department.

31 (e) The following persons shall be issued basic taser permits by the department of
32 environmental management: sheriffs, deputy sheriffs, the superintendent and members of the state
33 police, prison or jail wardens or their deputies, members of the city or town police force,
34 members of the park police, conservation officers, members of the airport police and officers of

1 the United States government authorized by law to carry a concealed firearm and, at the
2 discretion of the department of environmental management, any person who can satisfactorily
3 establish that he or she formerly held one of these offices or were so authorized.

4 (f) Any person who is serving in the Army, Navy, Air Force, Marine Corps or Coast
5 Guard on active duty shall not be required to obtain a basic taser safety certificate or basic taser
6 permit under this section so long as he or she remains on active duty.

7 (g) Any person who is serving in the active reserve components of the Army, Navy, Air
8 Force, Marine Corps or Coast Guard, or any person in an active duty paid status in the Rhode
9 Island National Guard, shall not be required to obtain a basic taser safety certificate under this
10 section so long as he or she remains in active status.

11 SECTION 3. 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 permit the sale and use of stun guns by persons eighteen (18) years of age
2 or older. This act would also permit the use of tasers by persons eighteen (18) years of age or
3 older upon successful completion of a basic taser safety course to be administered by the
4 department of environmental management.

5 This act would take effect upon passage.

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