

2018 -- S 2271

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators Sheehan, Cote, Calkin, Metts, and Quezada

Date Introduced: February 01, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-2 of the General Laws in Chapter 11-47 entitled "Weapons"  
2 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) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.  
6 § 921.

7 (2) "Bump fire stock" means any device which replaces a semi-automatic weapon's  
8 standard stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to  
9 rapidly fire the weapon.

10 (3) "Binary trigger" means a semi-automatic weapon's trigger designed to fire one round  
11 on the pull of the trigger and another round upon release of the trigger.

12 ~~(2)~~(4) "Crime of violence" means and includes any of the following crimes or an attempt  
13 to commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or  
14 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,  
15 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or  
16 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a  
17 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-  
18 28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a  
19 dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to

1 commit any offense punishable as a felony; upon any conviction of an offense punishable as a  
2 felony offense under § 12-29-5.

3 ~~(3)~~(5) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun,"  
4 "BB gun," or other instrument from which steel or metal projectiles are propelled, or which may  
5 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,  
6 and except instruments propelling projectiles which are designed or normally used for a primary  
7 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a  
8 firearm under the provisions of this section.

9 ~~(4)~~(6) "Fugitive from justice" means any person who has fled from any state, territory,  
10 the District of Columbia, or possession of the United States to avoid prosecution for a crime of  
11 violence or to avoid giving testimony in any criminal proceeding.

12 ~~(5)~~(7) "Licensing authorities" means the board of police commissioners of a city or town  
13 where the board has been instituted, the chief of police or superintendent of police of other cities  
14 and towns having a regular organized police force, and, in towns where there is no chief of police  
15 or superintendent of police, it means the town clerk who may issue licenses upon the  
16 recommendation of the town sergeant, and it also means any other person or body duly authorized  
17 by the city or town charter or by state law.

18 ~~(6)~~(8) "Machine gun" means any weapon which shoots, is designed to shoot, or can be  
19 readily restored to shoot automatically more than one shot, without manual reloading, by a single  
20 function of the trigger. The term also includes the frame or receiver of the weapon, any  
21 combination of parts designed and intended for use in converting a weapon into a machine gun,  
22 and any combination of parts from which a machine gun can be assembled if the parts are in the  
23 possession or under the control of a person.

24 ~~(7)~~(9) "Person" includes an individual, partnership, firm, association, or corporation.

25 ~~(8)~~(10) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon  
26 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver  
27 designed for the use of blank cartridges only.

28 (11) "Rapid fire device" means any device, part, accessory or attachment designed to  
29 accelerate the rate of fire of a semi-automatic weapon to include, but not limited to, a bump fire  
30 stock, a binary trigger, or a trigger crank.

31 ~~(9)~~(12) "Sawed-off rifle" means any rifle with overall length of less than twenty-six  
32 inches (26") and/or barrel length of less than sixteen inches (16").

33 ~~(10)~~(13) "Sawed-off shotgun" means any shotgun with overall length of less than  
34 twenty-six inches (26") and/or barrel length of less than eighteen inches (18").

1           ~~(14)~~(14) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,  
2 accept, and borrow, and "purchasing" shall be construed accordingly.

3           (15) "Semi-automatic weapon" means any semi-automatic rifle, carbine, pistol or  
4 shotgun.

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

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

9           **11-47-8.1. Rapid fire devices.**

10           (a) It shall be unlawful for any person within this state to import, manufacture, transfer,  
11 sell or possess any rapid fire device or any part, combination of parts, components, attachments or  
12 accessory designed to function as a rapid fire device. Every person violating the provision of this  
13 subsection shall, upon conviction, be punished by imprisonment for not less than one year nor  
14 more than ten (10) years, or by a fine up to ten thousand dollars (\$10,000), or both, and except for  
15 a first conviction under this section shall not be afforded the provisions of suspension or  
16 deferment of sentence, nor of probation.

17           (b) It shall be unlawful for any person within this state to discharge or shoot a semi-  
18 automatic weapon with an attached rapid fire device. Every person violating the provision of this  
19 subsection shall, upon conviction, be punished by imprisonment for not less than two (2) years  
20 nor more than ten (10) years, or by fine up to ten thousand dollars (\$10,000), or both, and except  
21 for a first conviction under this section shall not be afforded the provisions of suspension or  
22 deferment of sentence, nor of probation.

23           (c) This section shall not apply to the purchase of any such device by the Rhode Island  
24 state police, by any city or town police department of the state of Rhode Island, or by the  
25 department of environmental management for display as a part of a firearms training course under  
26 its auspices.

27           (d) Weapons otherwise considered legal which are found modified by devices pursuant to  
28 this section shall be subject to forfeiture pursuant to §11-47-22.

29           (e) This section shall not be construed to prohibit use of a replacement trigger or trigger  
30 components designed and intended to decrease the weight of the trigger pull or to improve the  
31 quality and release of the trigger pull in a semi-automatic weapon.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would make possession or use of a semi-automatic weapon rapid fire devices  
2 including bump stocks, binary triggers or trigger cranks punishable by up to ten (10) years  
3 imprisonment and/or a ten thousand dollars (\$10,000) fine.

4           This act would take effect upon passage.

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