

RESOLUTION OF THE CITY COUNCIL

No. 314

Approved June 17, 2019

WHEREAS, Laws banning assault weapons are consistent with the Supreme Court's interpretation of the Second Amendment; and

WHEREAS, In the 2008 ruling in *District of Columbia v. Heller*, the United States Supreme Court stated for the first time that the Second Amendment protects a law-abiding citizens right to possess an operable handgun in the home for self-defense; and

WHEREAS, The Court noted, however, that the right is limited and, among limitations, the Court recognized that the Second Amendment would not preclude banning "dangerous and unusual weapons"; and

WHEREAS, Seven States and the District of Columbia have enacted laws banning Assault weapons including: California, Connecticut, Hawaii, Maryland, Massachusetts, New Jersey, and New York; and

WHEREAS, Large Capacity Ammunition Magazines (generally defined as magazines capable of holding more than ten rounds) are feeding devices that may hold as many as 100 rounds of ammunition; and

WHEREAS, Assault Weapons and/or large capacity ammunition magazines have been the tools of choice in most mass shootings of innocent civilians, including:

- Christchurch, New Zealand, March 15, 2019: a shooter killed 50 and wounded 34 with a military-style semi-automatic assault weapon,
- Parkland, Florida, February 14, 2018: a shooter killed 17 and wounded 14 at Marjory Stoneman Douglas High School with an AR-15-style assault rifle
- Orlando, Florida, June 12, 2016: a shooter killed 49 and wounded 58 at the Pulse Nightclub with an AR-15-style assault rifle
- Newtown, Connecticut, December 14, 2012: a shooter killed 26 and wounded 2 at Sandy Hook Elementary School with an AR-1- style assault rifle; and

WHEREAS, Assault weapon shootings are responsible for a significant percentage of deaths of law enforcement officers killed in the line of duty, evidence from law enforcement leaders suggest that military-style assault weapons are being used against law enforcement by violent individuals; and

WHEREAS, Assault weapons are inappropriate for civilian use due to their unique combinations of features and their ability to allow a shooter to fire a large number of rounds rapidly while maintaining control of the firearm; and

WHEREAS, Following the Sandy Hook shooting, the Connecticut legislature acted swiftly, passing an assault weapon ban in response to the tragic shooting; and

WHEREAS, Just days after last week's tragic shootings in New Zealand mosques, New Zealand's cabinet announced that in the next 10 days they will roll out gun violence prevention reforms that will likely include an assault weapon regulation; and

WHEREAS, Current state law allows Concealed Carry Permit ("CCP") holders to carry firearms onto Rhode Island K-12 school grounds; and

WHEREAS, Forty two (42) other states do not generally allow concealed carry in K-12 schools; and

WHEREAS, Data collected by the Violence Policy Center, a Washington D.C. gun safety organization, from May 2007 to March 2017 documents 729 gun violence incidents in 40 states and the District of Columbia resulting in 928 deaths. In 83 percent of the incidents (604) the concealed carry killer committed suicide (296), has already been convicted (235), perpetrated a murder-suicide (56), or was killed in the incident (17); and

WHEREAS, Of the 95 cases still pending, the vast majority (81) were charged with criminal homicide, four were deemed incompetent to stand trial, and 10 incidents are still under investigation. An additional 30 incidents were fatal unintentional shootings involving the gun of the concealed handgun permit holder; and

WHEREAS, The National Education Association of Rhode Island, The Rhode Island Association of School Principals, The Rhode Island Association of School Committees, and The Rhode Island Federation of Teachers & Health Professionals have voted to support banning concealed weapons on school grounds, except for duly authorized peace officers/law enforcement; and

WHEREAS, On February 14, 2019, Governor Gina Raimondo and Attorney General Peter Neronha unveiled gun safety legislation that would ban assault weapons, ban high-capacity magazines and prohibit concealed-carry weapons on school grounds; and

WHEREAS, As public servants and the elected representatives of the people of Providence, the City Council has a moral obligation to keep assault weapons off the street and from the hands of criminals in order to assure the safety of the people of Providence, students and law enforcement officials.

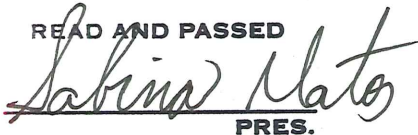
NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council respectfully requests the Rhode Island General Assembly to pass, House Bill 2019 H-5739 and Senate Bill 2019 S-637, An Act Relating to Criminal Offenses - Large Capacity Feeding Device Ban.

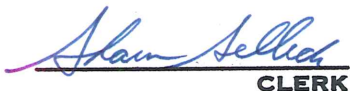
BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the elected Rhode Island House and Senate representatives of the City of Providence, the Speaker of the House, and the Senate President.

IN CITY COUNCIL

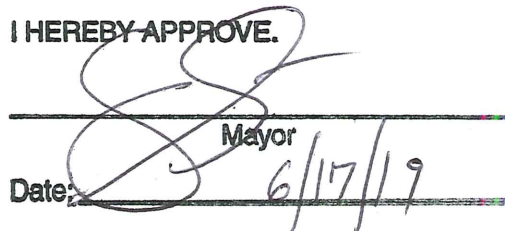
JUN 06 2019

READ AND PASSED


PRES.


CLERK

I HEREBY APPROVE.


Mayor
Date: 6/17/19

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES -- LARGE CAPACITY FEEDING DEVICE BAN

Introduced By: Representatives Caldwell, McEntee, Tanzi, Cassar, and Kazarian

Date Introduced: February 27, 2019

Referred To: House Judiciary

(Governor/Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 47.1

4 LARGE CAPACITY FEEDING DEVICE BAN ACT OF 2019

5 **11-47.1-1. Short title.**

6 This chapter shall be known and may be cited as the "Rhode Island Large Capacity
7 Feeding Device Ban Act of 2019."

8 **11-47.1-2. Definitions.**

9 As used in this chapter:

10 (1)"Large capacity feeding device" means a magazine, box, drum, tube, belt, feed strip, or
11 other container which is capable of holding more than ten (10) rounds of ammunition to be fed
12 continuously and directly therefrom into a semi-automatic firearm. The term "large capacity
13 feeding device" shall include an ammunition feeding device with a removable floor plate or end
14 plate, if the device can readily be extended to accept more than ten (10) rounds of ammunition.
15 The term shall not include an attached tubular device which is capable of holding only .22 caliber
16 rim fire ammunition.

17 (2) "Federally licensed firearm dealer" means a person who holds a valid federal firearm
18 dealers license issued pursuant to 18 U.S.C. § 923(a).

19 **11-47.1-3. Large capacity feeding device prohibited.**

1 (a) No person, except for a federally licensed firearms dealer, shall manufacture, sell,
2 offer to sell, transfer, purchase, possess, or have under his or her control a large capacity feeding
3 device, except as otherwise authorized under this chapter. Any person convicted of violating the
4 provisions of this section shall be punished by a fine of up to five thousand dollars (\$5,000) or by
5 imprisonment of not more than five (5) years, and except for a first conviction under this section,
6 shall not be afforded the provisions of suspension or deferment of sentence, nor probation. The
7 large capacity feeding device shall be subject to forfeiture.
8 (b) Subsection (a) of this section shall not apply to a person who:
9 (1) On the effective date of this chapter, lawfully possessed a large capacity feeding
10 device within one hundred eighty (180) days of the effective date of this chapter:
11 (i) Modifies the large capacity feeding device such that it cannot hold more than ten (10)
12 rounds of ammunition;
13 (ii) Surrenders the large capacity feeding device to the police department in the city or
14 town where the person resides, in accordance with the procedures for surrender of weapons set
15 forth by the police department or the Rhode Island state police, or, if there is no such police
16 department or the person resides out of state, to the Rhode Island state police; or
17 (iii) Transfers or sells the large capacity feeding device to a federally licensed firearm
18 dealer or person or firm lawfully entitled to own or possess a feeding device.
19 (2) Is a law enforcement officer exempt under §§ 11-47-9 and 11-47-9.1; or a retired law
20 enforcement officer exempt under §§ 11-47-9 and 11-47-9.1 who is not otherwise prohibited from
21 receiving such a feeding device from an agency upon retirement, and who has a permit to carry
22 pursuant to § 11-47-18(b).
23 (3) An active duty member of the armed forces of the United States or the National Guard
24 who is authorized to possess and carry assault weapons.
25 SECTION 2. This act shall take effect upon passage.

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LC001629
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES -- LARGE CAPACITY FEEDING DEVICE BAN

1 This act would prohibit the sale or possession of a large capacity feeding device capable
2 of holding more than ten (10) rounds of ammunition for use on a semi-automatic firearm
3 punishable by a fine up to five thousand dollars (\$5,000) or imprisonment up to five (5) years
4 with exceptions for law enforcement and military personnel.

5 This act would take effect upon passage.

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LC001629
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES -- LARGE CAPACITY FEEDING DEVICE BAN

Introduced By: Senators Goldin, Coyne, Seveney, Euer, and Miller

Date Introduced: March 19, 2019

Referred To: Senate Judiciary

(Governor/ Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 47.1

4 LARGE CAPACITY FEEDING DEVICE BAN ACT OF 2019

5 **11-47.1-1. Short title.**

6 This chapter shall be known and may be cited as the "Rhode Island Large Capacity
7 Feeding Device Ban Act of 2019."

8 **11-47.1-2. Definitions.**

9 As used in this chapter:

10 (1)"Large capacity feeding device" means a magazine, box, drum, tube, belt, feed strip, or
11 other container which is capable of holding more than ten (10) rounds of ammunition to be fed
12 continuously and directly therefrom into a semi-automatic firearm. The term "large capacity
13 feeding device" shall include an ammunition feeding device with a removable floor plate or end
14 plate, if the device can readily be extended to accept more than ten (10) rounds of ammunition.
15 The term shall not include an attached tubular device which is capable of holding only .22 caliber
16 rim fire ammunition.

17 (2) "Federally licensed firearm dealer" means a person who holds a valid federal firearm
18 dealers license issued pursuant to 18 U.S.C. § 923(a).

19 **11-47.1-3. Large capacity feeding device prohibited.**

1 (a) No person, except for a federally licensed firearms dealer, shall manufacture, sell,
2 offer to sell, transfer, purchase, possess, or have under his or her control a large capacity feeding
3 device, except as otherwise authorized under this chapter. Any person convicted of violating the
4 provisions of this section shall be punished by a fine of up to five thousand dollars (\$5,000) or by
5 imprisonment of not more than five (5) years, and except for a first conviction under this section,
6 shall not be afforded the provisions of suspension or deferment of sentence, nor probation. The
7 large capacity feeding device shall be subject to forfeiture.

8 (b) Subsection (a) of this section shall not apply to a person who:

9 (1) On the effective date of this chapter, lawfully possessed a large capacity feeding
10 device within one hundred eighty (180) days of the effective date of this chapter:

11 (i) Modifies the large capacity feeding device such that it cannot hold more than ten (10)
12 rounds of ammunition;

13 (ii) Surrenders the large capacity feeding device to the police department in the city or
14 town where the person resides, in accordance with the procedures for surrender of weapons set
15 forth by the police department or the Rhode Island state police, or, if there is no such police
16 department or the person resides out of state, to the Rhode Island state police; or

17 (iii) Transfers or sells the large capacity feeding device to a federally licensed firearm
18 dealer or person or firm lawfully entitled to own or possess a feeding device.

19 (2) Is a law enforcement officer exempt under §§ 11-47-9 and 11-47-9.1; or a retired law
20 enforcement officer exempt under §§ 11-47-9 and 11-47-9.1 who is not otherwise prohibited from
21 receiving such a feeding device from an agency upon retirement, and who has a permit to carry
22 pursuant to § 11-47-18(b).

23 (3) An active duty member of the armed forces of the United States or the National Guard
24 who is authorized to possess and carry assault weapons.

25 SECTION 2. This act shall take effect upon passage.

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LC001614
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- LARGE CAPACITY FEEDING DEVICE BAN

- 1 This act would prohibit the sale or possession of a large capacity feeding device capable
2 of holding more than ten (10) rounds of ammunition for use on a semi-automatic firearm
3 punishable by a fine up to five thousand dollars (\$5,000) or imprisonment up to five (5) years
4 with exceptions for law enforcement and military personnel.
5 This act would take effect upon passage.

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