

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No.

Approved

WHEREAS, In light of recent events, including the shooting at Sandy Hook Elementary in neighboring Connecticut, it is of the utmost importance that Rhode Island review its laws concerning firearms and public safety; and

WHEREAS, In 2012, there were 17 homicides in Providence and 14 involved a firearm; and

WHEREAS, Using a semi-automatic weapon allows the shooter to carry and fire more rounds more easily and in less time than is possible with a conventional single-action, single-shot firearm; and

WHEREAS, According to the Brady Campaign to Prevent Gun Violence, "Police across America report that semi-automatic assault weapons [have] become the weapon of choice for drug traffickers, gangs and paramilitary extremist groups"; and

WHEREAS, An estimated 230,000 guns per year are stolen in home burglaries and property crimes, according to a study by the Department of Justice; and

WHEREAS, Removal and alteration of firearms' serial numbers and identifying markings seriously inhibits law enforcement's ability to quickly and efficiently investigate gun crimes; and

WHEREAS, High capacity magazines, like the 30-round magazines used by Adam Lanza in Newtown, CT, and the 100-round magazines used by James Holmes in Aurora, CO, allow mass shooters to take more lives, more quickly than standard magazines; and

WHEREAS, Criminal background checks are one of the most popular gun control measures nationwide; and

WHEREAS, According to the FBI, criminal background checks resulted in nearly 90,000 transaction denials in 2012 alone; and

WHEREAS, With the expiration of the federal assault rifle ban in 2004 and Congress' recent inability to pass gun control measures, state and local legislators must act to protect the public; and

WHEREAS, The General Assembly is currently considering a package of bills to strengthen our state's gun laws, close loopholes and fix shortcomings in current statutes; and

WHEREAS, The proposed measures include a ban on certain semi-automatic assault weapons and high quantity magazines (SB859, HB5990), increasing the penalties for using a stolen firearm in a violent crime (SB344, SB860, HB5991), establishing penalties for possession of a stolen firearm (SB860), increased penalties for removing or altering a firearm's identifying markings (SB455, HB5286), and ensuring that people applying for permits to carry pistols or revolvers have passed a national criminal records check (SB865, HB5993); and

WHEREAS, As public servants and the elected representatives of the people of Providence, the City Council has a moral obligation to keep deadly weapons out of the hands of criminals and off of our streets.

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council does hereby urge the Rhode Island General Assembly to pass Senate Bills 344, 455, 859, 860, and 865, and House Bills 5286, 5990, 5991, and 5993.

Page 2

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the sponsors of the aforementioned bills and the entire Providence General Assembly delegation.

IN CITY COUNCIL

MAY 02 2013

READ AND Failed


PRES.


CLERK

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO CRIMINAL OFFENSES -- GUN CONTROL AND SAFE FIREARMS ACT

Introduced By: Senators Miller, Nesselbush, Goldin, and Jabour

Date Introduced: April 11, 2013

Referred To: Senate Judiciary

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 GUN CONTROL AND SAFE FIREARMS ACT

5 11-47.1-1. Short title. -- This chapter shall be known as and may be cited as the "Gun
6 Control and Safe Firearms Act."

7 11-47.1-2. Restrictions on manufacture, sale, purchase, and possession of certain
8 semiautomatic assault weapons. -- (a) It shall be unlawful for a person to manufacture, sell,
9 purchase, or possess a semiautomatic assault weapon.

10 (b) The term "semiautomatic assault weapon" means:

11 (1) A semiautomatic rifle that has an ability to accept a detachable magazine and has at
12 least two (2) of the following characteristics:

13 (i) A folding or telescoping stock;

14 (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon;

15 (iii) A thumbhole stock;

16 (iv) A bayonet mount;

17 (v) A threaded barrel designed to accommodate a flash suppressor, muzzle break, or
18 muzzle compensator;

19 (vi) A grenade launcher; or

1 (2) A semiautomatic shotgun that has at least two (2) of the following characteristics:
2 (i) A folding or telescoping stock;
3 (ii) A thumbhole stock;
4 (iii) A second handgrip or a protruding grip that can be held by the non-trigger hand;
5 (iv) A fixed magazine capacity in excess of seven (7) rounds;
6 (v) An ability to accept a detachable magazine; or
7 (3) A semiautomatic pistol that has an ability to accept a detachable magazine and has at
8 least two (2) of the following characteristics:
9 (i) A second handgrip or a protruding grip that can be held by the non-trigger hand;
10 (ii) Capacity to accept an ammunition magazine that attaches to the pistol outside of the
11 pistol grip;
12 (iii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward
13 handgrip, or silencer;
14 (iv) A shroud that is attached to, or partially or completely encircles, the barrel and that
15 permits the shooter to hold the firearm with the non-trigger hand without being burned;
16 (v) A manufactured weight of fifty (50) ounces or more when the pistol is unloaded; or
17 (vi) A semiautomatic version of an automatic rifle, shotgun or firearm;
18 (4) A revolving cylinder shotgun;
19 (5) Provided, however, that such term does not include:
20 (i) Any rifle, shotgun or pistol that:
21 (A) Is manually operated by bolt, pump, lever or slide action;
22 (B) Has been rendered permanently inoperable; or
23 (C) Is an antique firearm as defined in 18 U.S.C. 921(a)(16);
24 (ii) A semiautomatic rifle that cannot accept a detachable magazine that holds more than
25 ten (10) rounds of ammunition;
26 (iii) A semiautomatic shotgun that cannot hold more than ten (10) rounds of ammunition
27 in a fixed or detachable magazine; or
28 (iv) Any firearm, rifle, or shotgun that was manufactured prior to July 1, 1963;
29 (c) On or after July 1, 2013, any semiautomatic assault weapon that was legally possessed
30 prior to July 1, 2013 may only be sold to:
31 (1) A purchaser authorized to possess such weapon pursuant to section 11-47-43; or
32 (2) A purchaser outside of the state.
33 (d) A person who sells or purchases any semiautomatic assault weapon without
34 complying with the provisions of this subsection shall be punished, upon conviction, by

1 imprisonment for not less than ten (10) years and not more than twenty (20) years.

2 **11-47.1-3. Ban of large capacity ammunition feeding devices.** -- (a) It shall be

3 unlawful for a person to manufacture, sell, purchase, or possess a large capacity ammunition

4 feeding device.

5 (b) "Large capacity ammunition feeding device" means a magazine, belt, drum, feed

6 strip, or similar device, that was manufactured on or after July 1, 2013 and has:

7 (1) A capacity of, or that can be readily restored or converted to accept, more than ten

8 (10) rounds of ammunition; or

9 (2) Contains more than ten (10) rounds of ammunition; or

10 (3) Has a capacity of, or that can be readily restored or converted to accept, more than ten

11 (10) rounds of ammunition; provided, however, that such term does not include an attached

12 tubular device designed to accept, and capable of operating only with, .22 caliber rimfire

13 ammunition or a feeding device that is a curio or relic. A feeding device that is a curio or relic is

14 defined as a device that:

15 (i) Was manufactured prior to July 1, 1963;

16 (ii) Is only capable of being used exclusively in a firearm, rifle, or shotgun that was

17 manufactured at least fifty (50) years prior to the current date, but not including replicas thereof;

18 and

19 (iii) Is possessed by an individual who is not prohibited by state or federal law from

20 possessing a firearm.

21 (c) On or after July 1, 2013, any feeding device defined in subdivisions (b)(1), (b)(2), and

22 (b)(3) above that was legally possessed prior to July 1, 2013 may only be sold to: (1) A purchaser

23 authorized to possess such feeding device pursuant to section 11-47-43; or (2) A purchaser

24 outside of the state.

25 (d) A person who sells or purchases any such feeding device without complying with the

26 provisions of this subsection shall be punished, upon conviction, by imprisonment for not less

27 than ten (10) years and not more than twenty (20) years.

28 **11-47.1-4. Definitions.** -- Words and phrases not defined within this chapter shall have

29 the meanings set forth in section 11-47-2.

30 **11-47.1-5. Severability.** -- If any clause, sentence, paragraph, section, or part of this

31 chapter shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall

32 not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the

33 clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which

34 the judgment shall have been rendered.

1 SECTION 2. Section 11-47-43 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is hereby amended to read as follows:

3 ~~11-47-43. Collectors and police officers exempt from section 11-47-42. Certain~~
4 exemptions for collectors and police officers. — The provisions of section 11-47-42, so far as
5 they forbid the possession of certain instruments or weapons, shall not apply to any person who
6 possesses or is making a collection of the weapons as curios or for educational, professional,
7 scientific, or any other lawful purpose, without intent to use the instrument or weapon unlawfully.
8 Nor shall the provisions of section 11-47-42, so far as they relate to the possession or carrying of
9 any billy, or the provisions of section 11-47.1-2 or section 11-47.1-3, apply to sheriffs,
10 constables, police, or other officers or guards whose duties require them to arrest or to keep and
11 guard prisoners or property, nor to any person summoned by those officers to aid them in the
12 discharge of their duties while actually engaged in their duties.

13 SECTION 3. Section 11-47-2 of the General Laws in Chapter 11-47 entitled "Weapons"
14 is hereby amended to read as follows:

15 11-47-2. Definitions. — When used in this chapter, the following words and phrases are
16 construed as follows:

17 (1) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
18 section 921.

19 (2) "Crime of violence" means and includes any of the following crimes or an attempt to
20 commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or
21 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,
22 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
23 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
24 controlled substance classified in schedule I or schedule II of section 21-28-2.08, any violation of
25 section 21-28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes,
26 assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault
27 with intent to commit any offense punishable as a felony, ~~upon any conviction of an~~ and any
28 offense punishable as a felony offense under section 12-29-5.

29 (3) "Feeding device" means a fixed or detachable magazine, belt, drum, feed strip, or
30 similar device capable of accepting, or that can be readily converted to accept, rounds of
31 ammunition or shotgun shells.

32 ~~(3)(4)~~ (4) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun,"
33 "BB gun," or other instrument from which steel or metal projectiles are propelled, or which may
34 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,

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

4 ~~(4)(5)~~ "Fugitive from justice" means any person who has fled from any state, territory,
5 the 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)(6)~~ "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 persons or body bodies~~
12 ~~duly authorized by the city or town charter or by state law to issue licenses relating to the~~
13 ~~purchase, sale, or possession of firearms.~~

14 ~~(6)(7)~~ "Machine gun" means any weapon which shoots, is designed to shoot, or can be
15 readily restored to shoot automatically more than one shot, without manual reloading, by a single
16 function of the trigger. The term also includes the frame or receiver of the weapon, any
17 combination of parts designed and intended for use in converting a weapon into a machine gun,
18 and any combination of parts from which a machine gun can be assembled if the parts are in the
19 possession or under the control of a person.

20 ~~(7)(8)~~ "Person" includes an individual, partnership, firm, association, or corporation.

21 ~~(8)(9)~~ "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon
22 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver
23 designed for the use of blank cartridges only.

24 ~~(9)(10)~~ "Sawed-off rifle" means any rifle with overall length of less than twenty-six
25 inches (26") and/or barrel length of less than sixteen inches (16").

26 ~~(10)(11)~~ "Sawed-off shotgun" means any shotgun with overall length of less than
27 twenty-six inches (26") and/or barrel length of less than eighteen inches (18").

28 ~~(11)(12)~~ "Sell" includes let or hire, give, lend, dispose, and transfer, and "purchase"
29 includes hire, accept, and borrow, and ~~"purchasing" any and all variations of the terms of "sell"~~
30 ~~and "purchase" shall be construed accordingly.~~

31 (13) "Semiautomatic" means any firearm capable of utilizing a portion of the energy of a
32 firing cartridge to extract the fired cartridge case and chamber the next round, and requiring a
33 separate pull of the trigger to fire each cartridge.

1 SECTION 4. This act shall take effect upon passage.

LC02370

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES – GUN CONTROL AND SAFE FIREARMS ACT

- 1 This act would impose restrictions on the manufacture, transfer and possession of certain
- 2 semiautomatic assault weapons. It would ban large capacity ammunition feed devices.
- 3 This act would take effect upon passage.

LC02370

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO CRIMINAL OFFENSES – GUN CONTROL AND SAFE FIREARMS ACT

Introduced By: Representatives Almeida, Blazejewski, Finn, E Coderre, and Naughton

Date Introduced: April 11, 2013

Referred To: House Judiciary

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 GUN CONTROL AND SAFE FIREARMS ACT

5 11-47.1-1. Short title. – This chapter shall be known as and may be cited as the "Gun
6 Control and Safe Firearms Act."

7 11-47.1-2. Restrictions on manufacture, sale, purchase, and possession of certain
8 semiautomatic assault weapons. – (a) It shall be unlawful for a person to manufacture, sell,
9 purchase, or possess a semiautomatic assault weapon.

10 (b) The term "semiautomatic assault weapon" means:

11 (1) A semiautomatic rifle that has an ability to accept a detachable magazine and has at
12 least two (2) of the following characteristics:

13 (i) A folding or telescoping stock;

14 (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon;

15 (iii) A thumbhole stock;

16 (iv) A bayonet mount;

17 (v) A threaded barrel designed to accommodate a flash suppressor, muzzle break, or
18 muzzle compensator;

19 (vi) A grenade launcher; or

1 (2) A semiautomatic shotgun that has at least two (2) of the following characteristics:
2 (i) A folding or telescoping stock;
3 (ii) A thumbhole stock;
4 (iii) A second handgrip or a protruding grip that can be held by the non-trigger hand;
5 (iv) A fixed magazine capacity in excess of seven (7) rounds;
6 (v) An ability to accept a detachable magazine; or
7 (3) A semiautomatic pistol that has an ability to accept a detachable magazine and has at
8 least two (2) of the following characteristics:
9 (i) A second handgrip or a protruding grip that can be held by the non-trigger hand;
10 (ii) Capacity to accept an ammunition magazine that attaches to the pistol outside of the
11 pistol grip;
12 (iii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward
13 handgrip, or silencer;
14 (iv) A shroud that is attached to, or partially or completely encircles, the barrel and that
15 permits the shooter to hold the firearm with the non-trigger hand without being burned;
16 (v) A manufactured weight of fifty (50) ounces or more when the pistol is unloaded; or
17 (vi) A semiautomatic version of an automatic rifle, shotgun or firearm;
18 (4) A revolving cylinder shotgun;
19 (5) Provided, however, that such term does not include:
20 (i) Any rifle, shotgun or pistol that:
21 (A) Is manually operated by bolt, pump, lever or slide action;
22 (B) Has been rendered permanently inoperable; or
23 (C) Is an antique firearm as defined in 18 U.S.C. 921(a)(16);
24 (ii) A semiautomatic rifle that cannot accept a detachable magazine that holds more than
25 ten (10) rounds of ammunition;
26 (iii) A semiautomatic shotgun that cannot hold more than ten (10) rounds of ammunition
27 in a fixed or detachable magazine; or
28 (iv) Any firearm, rifle, or shotgun that was manufactured prior to July 1, 1963;
29 (c) On or after July 1, 2013, any semiautomatic assault weapon that was legally possessed
30 prior to July 1, 2013 may only be sold to:
31 (1) A purchaser authorized to possess such weapon pursuant to section 11-47-43; or
32 (2) A purchaser outside of the state.
33 (d) A person who sells or purchases any semiautomatic assault weapon without
34 complying with the provisions of this subsection shall be punished, upon conviction, by

1 imprisonment for not less than ten (10) years and not more than twenty (20) years.

2 **11-47.1-3. Ban of large capacity ammunition feeding devices.** -- (a) It shall be
3 unlawful for a person to manufacture, sell, purchase, or possess a large capacity ammunition
4 feeding device.

5 (b) "Large capacity ammunition feeding device" means a magazine, belt, drum, feed
6 strip, or similar device, that was manufactured on or after July 1, 2013 and has:

7 (1) A capacity of, or that can be readily restored or converted to accept, more than ten
8 (10) rounds of ammunition; or

9 (2) Contains more than ten (10) rounds of ammunition; or

10 (3) Has a capacity of, or that can be readily restored or converted to accept, more than ten
11 (10) rounds of ammunition; provided, however, that such term does not include an attached
12 tubular device designed to accept, and capable of operating only with, .22 caliber rimfire
13 ammunition or a feeding device that is a curio or relic. A feeding device that is a curio or relic is
14 defined as a device that:

15 (i) Was manufactured prior to July 1, 1963;

16 (ii) Is only capable of being used exclusively in a firearm, rifle, or shotgun that was
17 manufactured at least fifty (50) years prior to the current date, but not including replicas thereof;
18 and

19 (iii) Is possessed by an individual who is not prohibited by state or federal law from
20 possessing a firearm.

21 (c) On or after July 1, 2013, any feeding device defined in subdivisions (b)(1), (b)(2), and
22 (b)(3) above that was legally possessed prior to July 1, 2013 may only be sold to: (1) A purchaser
23 authorized to possess such feeding device pursuant to section 11-47-43; or (2) A purchaser
24 outside of the state.

25 (d) A person who sells or purchases any such feeding device without complying with the
26 provisions of this subsection shall be punished, upon conviction, by imprisonment for not less
27 than ten (10) years and not more than twenty (20) years.

28 **11-47.1-4. Definitions.** -- Words and phrases not defined within this chapter shall have
29 the meanings set forth in section 11-47-2.

30 **11-47.1-5. Severability.** -- If any clause, sentence, paragraph, section, or part of this
31 chapter shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall
32 not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the
33 clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which
34 the judgment shall have been rendered.

1 SECTION 2. Section 11-47-43 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is hereby amended to read as follows:

3 ~~11-47-43. Collectors and police officers exempt from section 11-47-42~~ Certain
4 exemptions for collectors and police officers. — The provisions of section 11-47-42, so far as
5 they forbid the possession of certain instruments or weapons, shall not apply to any person who
6 possesses or is making a collection of the weapons as curios or for educational, professional,
7 scientific, or any other lawful purpose, without intent to use the instrument or weapon unlawfully.
8 Nor shall the provisions of section 11-47-42, so far as they relate to the possession or carrying of
9 any billy, or the provisions of section 11-47.1-2 or section 11-47.1-3, apply to sheriffs,
10 constables, police, or other officers or guards whose duties require them to arrest or to keep and
11 guard prisoners or property, nor to any person summoned by those officers to aid them in the
12 discharge of their duties while actually engaged in their duties.

13 SECTION 3. Section 11-47-2 of the General Laws in Chapter 11-47 entitled "Weapons"
14 is hereby amended to read as follows:

15 11-47-2. Definitions. — When used in this chapter, the following words and phrases are
16 construed as follows:

17 (1) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
18 section 921.

19 (2) "Crime of violence" means and includes any of the following crimes or an attempt to
20 commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or
21 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,
22 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
23 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
24 controlled substance classified in schedule I or schedule II of section 21-28-2.08, any violation of
25 section 21-28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes,
26 assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault
27 with intent to commit any offense punishable as a felony; ~~upon any conviction of an~~ and any
28 offense punishable as a felony offense under section 12-29-5.

29 (3) "Feeding device" means a fixed or detachable magazine, belt, drum, feed strip, or
30 similar device capable of accepting, or that can be readily converted to accept, rounds of
31 ammunition or shotgun shells.

32 ~~(3)~~(4) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun,"
33 "BB gun," or other instrument from which steel or metal projectiles are propelled, or which may
34 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,

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

4 ~~(4)(5)~~ "Fugitive from justice" means any person who has fled from any state, territory,
5 the 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)(6)~~ "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~~ persons or body bodies
12 duly authorized by the city or town charter or by state law to issue licenses relating to the
13 purchase, sale, or possession of firearms.

14 ~~(6)(7)~~ "Machine gun" means any weapon which shoots, is designed to shoot, or can be
15 readily restored to shoot automatically more than one shot, without manual reloading, by a single
16 function of the trigger. The term also includes the frame or receiver of the weapon, any
17 combination of parts designed and intended for use in converting a weapon into a machine gun,
18 and any combination of parts from which a machine gun can be assembled if the parts are in the
19 possession or under the control of a person.

20 ~~(7)(8)~~ "Person" includes an individual, partnership, firm, association, or corporation.

21 ~~(8)(9)~~ "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon
22 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver
23 designed for the use of blank cartridges only.

24 ~~(9)(10)~~ "Sawed-off rifle" means any rifle with overall length of less than twenty-six
25 inches (26") and/or barrel length of less than sixteen inches (16").

26 ~~(10)(11)~~ "Sawed-off shotgun" means any shotgun with overall length of less than
27 twenty-six inches (26") and/or barrel length of less than eighteen inches (18").

28 ~~(11)(12)~~ "Sell" includes let or hire, give, lend, dispose, and transfer, and "purchase"
29 includes hire, accept, and borrow, and "purchasing" any and all variations of the terms of "sell"
30 and "purchase" shall be construed accordingly.

31 (13) "Semiautomatic" means any firearm capable of utilizing a portion of the energy of a
32 firing cartridge to extract the fired cartridge case and chamber the next round, and requiring a
33 separate pull of the trigger to fire each cartridge.

1 SECTION 4. This act shall take effect upon passage.

LC02239

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES – GUN CONTROL AND SAFE FIREARMS ACT

- 1 This act would impose restrictions on the manufacture, transfer and possession of certain
- 2 semiautomatic assault weapons. It would ban large capacity ammunition feed devices.
- 3 This act would take effect upon passage.

LC02239

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators Raptakis, Lombardi, Lombardo, and Conley

Date Introduced: February 13, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Section 11-47-3.1 of the General Laws in Chapter 11-47 entitled
2 "Weapons" is hereby amended to read as follows:
3 11-47-3.1. Carrying a stolen firearm when committing a crime of violence. -- No
4 person shall commit a crime of violence when armed with or having available a stolen firearm.
5 Every person violating the provisions of this section shall be punished: (1) for the first conviction
6 by imprisonment for ~~not less than five (5) nor more than ten (10)~~ years; (2) for a second
7 conviction under this section by imprisonment for ~~not less than fifteen (15) nor more than twenty~~
8 ~~(20)~~ ten (10) years; and (3) for a third or subsequent conviction under this section by
9 imprisonment for ~~not less than twenty (20)~~ fifteen (15) years ~~and may be imprisoned for life.~~ The
10 sentence imposed shall be consecutive to the underlying sentence for the crime of violence, and
11 the person shall not be afforded the benefits of deferment of sentence, suspension of sentence or
12 parole.
13 SECTION 2. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES -- WEAPONS

- 1 This act would set new penalties for first, second and third convictions for carrying a
- 2 stolen firearm while committing a crime of violence, and would deny the person so convicted any
- 3 benefit of deferment of sentence, suspension of sentence or parole.
- 4 This act would take effect upon passage.

LC01041

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

AN ACT

RELATING TO CRIMINAL OFFENSES -- FIREARM VIOLATIONS

Introduced By: Senators Satchell, Archambault, Raptakis, Lombardi, and Lombardo

Date Introduced: April 11, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-3.1 of the General Laws in Chapter 11-47 entitled
2 "Weapons" is hereby amended to read as follows:

3 11-47-3.1. Carrying a stolen firearm when committing a crime of violence. -- No
4 person shall commit a crime of violence when armed with or having available a stolen firearm.
5 Every person violating the provisions of this section shall be punished: (1) for the first conviction
6 by imprisonment for not less than five (5) nor more than ~~ten (10)~~ fifteen (15) years; (2) for a
7 second conviction under this section by imprisonment for not less than fifteen (15) nor more than
8 twenty (20) years; and (3) for a third or subsequent conviction under this section by imprisonment
9 for not less than twenty (20) years and may be imprisoned for life. The sentence imposed shall be
10 consecutive to the underlying sentence for the crime of violence.

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

13 11-47-5.2. Possession of a stolen firearm. -- It shall be unlawful for any person to
14 possess a stolen firearm. Any person in violation of this section shall be guilty of a felony and
15 subject to imprisonment for not less than three (3) years nor more than fifteen (15) years.

16 SECTION 3. Section 11-47-23 of the General Laws in Chapter 11-47 entitled "Weapons"
17 is hereby amended to read as follows:

18 11-47-23. False information in securing firearm or license False statements or
19 representations. -- No person shall, in purchasing or otherwise securing delivery of a shotgun,

1 ~~rifle, pistol, or revolver, or in applying for a license to carry it, with respect to the requirements of~~
2 ~~this chapter, give false information statements or representations~~ or offer false evidence of his or
3 her identity. Violation of the provisions of this section may be punished by a fine of not more
4 than five thousand dollars (\$5,000), imprisonment for not more than five (5) years, or both.

5 SECTION 4. This act shall take effect upon passage.

LC02366

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO CRIMINAL OFFENSES – FIREARM VIOLATIONS

- 1 This act would increase the criminal penalties for carrying a stolen firearm while
- 2 committing a violent crime, and would add a new section to the general laws relating to the
- 3 possession of a stolen firearm.
- 4 This act would take effect upon passage.

=====
LC02366
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO CRIMINAL OFFENSES -- FIREARM VIOLATIONS

Introduced By: Representatives Abney, Blazejewski, Ferri, Naughton, and E Coderre

Date Introduced: April 11, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-3.1 of the General Laws in Chapter 11-47 entitled
2 "Weapons" is hereby amended to read as follows:

3 11-47-3.1. Carrying a stolen firearm when committing a crime of violence. -- No
4 person shall commit a crime of violence when armed with or having available a stolen firearm.
5 Every person violating the provisions of this section shall be punished: (1) for the first conviction
6 by imprisonment for not less than five (5) nor more than ~~ten (10)~~ fifteen (15) years; (2) for a
7 second conviction under this section by imprisonment for not less than fifteen (15) nor more than
8 twenty (20) years; and (3) for a third or subsequent conviction under this section by imprisonment
9 for not less than twenty (20) years and may be imprisoned for life. The sentence imposed shall be
10 consecutive to the underlying sentence for the crime of violence.

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

13 11-47-5.2. Possession of a stolen firearm. -- It shall be unlawful for any person to
14 possess a stolen firearm. Any person in violation of this section shall be guilty of a felony and
15 subject to imprisonment for not less than three (3) years nor more than fifteen (15) years.

16 SECTION 3. Section 11-47-23 of the General Laws in Chapter 11-47 entitled "Weapons"
17 is hereby amended to read as follows:

18 11-47-23. False information in securing firearm or license False statements or
19 representations. -- No person shall, in purchasing or otherwise securing delivery of a shotgun,

1 ~~rifle, pistol, or revolver, or in applying for a license to carry it, with respect to the requirements of~~
2 ~~this chapter, give false information statements or representations or offer false evidence of his or~~
3 ~~her identity. Violation of the provisions of this section may be punished by a fine of not more~~
4 ~~than five thousand dollars (\$5,000), imprisonment for not more than five (5) years, or both.~~

5 SECTION 4. This act shall take effect upon passage.

LC02270

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- FIREARM VIOLATIONS

- 1 This act would increase the criminal penalties for carrying a stolen firearm while
- 2 committing a violent crime, and would add a new section to the general laws relating to the
- 3 possession of a stolen firearm.
- 4 This act would take effect upon passage.

LC02270

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

AN ACT

RELATING TO CRIMINAL OFFENSES

Introduced By: Senators Goldin, Conley, Goodwin, Satchell, and Lynch

Date Introduced: February 28, 2013

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-24 of the General Laws in Chapter 11-47 entitled "Weapons"

2 is hereby amended to read as follows:

3 11-47-24. Alteration of marks of identification on firearms. -- (a) No person shall
4 change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or
5 other mark of identification on any firearm.

6 (b) No person shall receive, transport, or possess any firearm which has had any maker,
7 model, manufacturer's number or other mark of identification removed, altered, or obliterated.

8 (c) Possession of any firearm upon which any of these marks shall have been changed,
9 altered, removed, or obliterated shall be prima facie evidence that the possessor has changed,
10 altered, removed, or obliterated it.

11 (d) Violation of the provisions of this section may be punished by imprisonment for not
12 more than five (5) years.

13 (e) This section shall not apply to antique and collectible weapons legally possessed by
14 collectors and dealers of firearms as provided in section 11-47-25.

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

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES

1 This act would make it unlawful for any person to receive, transport or possess any
2 firearm which has had any maker, model, manufacturer's number or other mark of identification
3 removed, altered, or obliterated, except for antique and collectible weapons legally possessed by
4 collectors and dealers of firearms.

5 This act would take effect upon passage.

LC00997

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO CRIMINAL OFFENSES

Introduced By: Representatives Craven, O'Neill, Lombardi, Marshall, and O'Brien

Date Introduced: February 06, 2013

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-24 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is hereby amended to read as follows:

3 11-47-24. Alteration of marks of identification on firearms. -- (a) No person shall
4 change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or
5 other mark of identification on any firearm.

6 (b) No person shall receive, transport, or possess any firearm which has had any maker,
7 model, manufacturer's number or other mark of identification removed, altered, or obliterated.

8 (c) Possession of any firearm upon which any of these marks shall have been changed,
9 altered, removed, or obliterated shall be prima facie evidence that the possessor has changed,
10 altered, removed, or obliterated it.

11 (d) Violation of the provisions of this section may be punished by imprisonment for not
12 more than five (5) years.

13 (e) This section shall not apply to antique and collectible weapons legally possessed by
14 collectors and dealers of firearms as provided in section 11-47-25.

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

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES

1 This act would make it unlawful for any person to receive, transport or possess any
2 firearm which has had any maker, model, manufacturer's number or other mark of identification
3 removed, altered, or obliterated, except for antique and collectible weapons legally possessed by
4 collectors and dealers of firearms.

5 This act would take effect upon passage.

LC00953

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators Goldin, Conley, and Nesselbush

Date Introduced: April 11, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

- 1 SECTION 1. Sections 11-47-11 and 11-47-34 of the General Laws in Chapter 11-47
2 entitled "Weapons" are hereby repealed.
- 3 ~~11-47-11. License or permit to carry concealed pistol or revolver.~~ (a) The licensing
4 authorities of any city or town shall, upon application of any person twenty-one (21) years of age
5 or over having a bona fide residence or place of business within the city or town, or of any person
6 twenty-one (21) years of age or over having a bona fide residence within the United States and a
7 license or permit to carry a pistol or revolver concealed upon his or her person issued by the
8 authorities of any other state or subdivision of the United States, issue a license or permit to the
9 person to carry concealed upon his or her person a pistol or revolver everywhere within this state
10 for four (4) years from date of issue, if it appears that the applicant has good reason to fear an
11 injury to his or her person or property or has any other proper reason for carrying a pistol or
12 revolver, and that he or she is a suitable person to be so licensed. The license or permit shall be in
13 triplicate in form to be prescribed by the attorney general and shall bear the fingerprint,
14 photograph, name, address, description, and signature of the licensee and the reason given for
15 desiring a license or permit and in no case shall it contain the serial number of any firearm. The
16 original shall be delivered to the licensee. Any member of the licensing authority, its agents,
17 servants, and employees shall be immune from suit in any action, civil or criminal, based upon
18 any official act or decision, performed or made in good faith in issuing a license or permit under
19 this chapter.

1 ~~(b) Notwithstanding any other chapter or section of the general laws of the state of~~
2 ~~Rhode Island, the licensing authority of any city or town shall not provide or release to any~~
3 ~~individual, firm, association or corporation the name, address, or date of birth of any person who~~
4 ~~has held or currently holds a license or permit to carry a concealed pistol or revolver. This section~~
5 ~~shall not be construed to prohibit the release of any statistical data of a general nature relative to~~
6 ~~age, gender and racial or ethnic background nor shall it be construed to prevent the release of~~
7 ~~information to parties involved in any prosecution of section 11-47-8 or in response to a lawful~~
8 ~~subpoena in any criminal or civil action which the person is a party to that action.~~

9 11-47-34. Firearms permits to minors. ~~The Rhode Island state police or the chief of~~
10 ~~police of the city or town in which the person resides shall issue permits to any person under~~
11 ~~eighteen (18) years of age only upon satisfactory proof of being engaged in a course of training in~~
12 ~~the use of firearms at a regular and recognized camp or rifle range, and provided that the person~~
13 ~~has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of~~
14 ~~junior divisions of senior gun clubs incorporated in the state of Rhode Island shall be prima facie~~
15 ~~evidence of the person under eighteen (18) years of age being engaged in a course of training in~~
16 ~~the use of firearms at a regular and recognized camp or rifle range.~~

17 SECTION 2. Sections 11-47-8, 11-47-9.1, 11-47-12, 11-47-13, 11-47-18, 11-47-35.1, 11-
18 47-35.2 and 11-47-60 of the General Laws in Chapter 11-47 entitled "Weapons" are hereby
19 amended to read as follows:

20 11-47-8. License or permit required for carrying pistol -- Possession of machine gun.

21 ~~=(a) No person shall, without a license or permit issued as provided in sections 11-47-11, 11-47-~~
22 ~~12 and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her~~
23 ~~person whether visible or concealed, except in his or her dwelling house or place of business or~~
24 ~~on land possessed by him or her or as provided in sections 11-47-9 and 11-47-10. The provisions~~
25 ~~of these sections shall not apply to any person who is the holder of a valid license or permit~~
26 ~~issued by the licensing authority of another state, or territory of the United States, or political~~
27 ~~subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any~~
28 ~~vehicle or conveyance or on or about his or her person whether visible or concealed, provided the~~
29 ~~person is merely transporting the firearm through the state in a vehicle or other conveyance~~
30 ~~without any intent on the part of the person to detain him or herself or remain within the state of~~
31 ~~Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as~~
32 ~~otherwise provided in this chapter. Every person violating the provision of this section shall, upon~~
33 ~~conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by~~
34 ~~a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this~~

1 section shall not be afforded the provisions of suspension or deferment of sentence, nor a
2 probation.

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

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

14 **11-47-9.1. Additional exemptions.** -- The provisions of sections 11-47-8 and ~~11-47-11~~
15 ~~11-47-18~~ shall not apply to members of the state police, members of city or town police forces,
16 and members of the Rhode Island airport police department. Persons exempted by the provisions
17 of this section from the provisions of section 11-47-8 shall have the right to carry concealed
18 firearms everywhere within this state; provided, that this shall not be construed as giving the right
19 to carry concealed firearms to a person transporting firearms as merchandise or as household or
20 business goods.

21 **11-47-12. License or permit fee.** -- A fee of forty dollars ~~(\$40.00)~~ one hundred forty
22 dollars (\$140) shall be charged and shall be paid for each license or permit to the licensing
23 authority issuing it. Every license or permit shall be valid for four (4) years from the date when
24 issued unless sooner revoked. The fee charged for issuing of the license or permit shall be applied
25 for the use and benefit of the ~~city, town, or~~ state of Rhode Island.

26 **11-47-13. Revocation of license or permit.** -- Any license or permit may be revoked for
27 just cause at any time by the ~~authority granting it, and, upon revocation, the authority shall give~~
28 ~~immediate notice to the~~ attorney general, who shall immediately note the revocation, with the
29 date of revocation, upon the copy of the license or permit on file in his or her office.

30 **11-47-18. License or permit issued by attorney general on showing of need --**
31 **Issuance to retired police officers.** -- (a) The attorney general may issue a license or permit to
32 any person twenty-one (21) years of age or over to carry a pistol or revolver, whether concealed
33 or not, upon his or her person upon a proper showing of need, subject to the provisions of sections
34 11-47-12 and 11-47-15; that license or permit may be issued notwithstanding the provisions of

1 section 11-47-7. Such person must undergo a national criminal records check, which shall include
2 fingerprints submitted to the federal bureau of investigation (FBI) by the bureau of criminal
3 identification (BCI) of the department of the attorney general. The applicant shall be responsible
4 for the cost of conducting the national criminal records check.

5 (b) All state police officers and permanent members of city and town police forces of
6 this state who have retired in good standing after at least twenty (20) years of service, or retired in
7 good standing due to a physical disability other than a psychological impairment, may be issued a
8 license or permit by the attorney general subject to the provisions of sections 11-47-12 and 11-47-
9 15. The term "in good standing" means that at the time of retirement, the police officer was not
10 facing disciplinary action that could have resulted in his or her termination for misconduct or
11 unfitness for office. Any member of the licensing authority, and its agents, servants, and
12 employees shall be immune from suit in any action, civil or criminal, based upon any official act
13 or decision, performed or made in good faith in issuing a license or permit under this chapter.

14 (c) Notwithstanding any other chapter or section of the general laws of the state of
15 Rhode Island, the attorney general shall not provide or release to any individual, firm, association
16 or corporation the name, address, or date of birth of any person who has held or currently holds a
17 license or permit to carry a concealed pistol or revolver. This section shall not be construed to
18 prohibit the release of any statistical data of a general nature relative to age, gender and racial or
19 ethnic background nor shall it be construed to prevent the release of information to parties
20 involved in any prosecution of section 11-47-8 or in response to a lawful subpoena in any
21 criminal or civil action which said person is a party to such action.

22 (d) Local law enforcement agencies shall cooperate with the attorney general throughout
23 the permitting process.

24 11-47-35.1. Persons exempt from section 11-47-35. — The provisions of section 11-47-
25 35 shall not apply to full-time members of the state police, full-time members of the state
26 marshal's office, full-time members of city or town police departments, or state marshals or
27 correctional officers or persons licensed under section ~~11-47-11~~ 11-47-18.

28 11-47-35.2. Sale of rifles/shotguns. — (a) No person shall deliver a rifle or shotgun to a
29 purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00) noon of the day
30 following the day of application for the purchase, and when delivered, the rifle or shotgun shall
31 be unloaded and securely wrapped, with the bill of sale for it to be enclosed within the wrapper
32 with the rifle or shotgun. Any citizen of the United States and/or lawful resident of this state who
33 is eighteen (18) years of age or older, and any non-resident member of the armed forces of the
34 United States who is stationed in this state and who is eighteen (18) years of age or older, may,

1 upon application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase
2 of a shotgun or rifle the purchaser shall complete and sign in triplicate and deliver to the seller the
3 application form described in this section, and in no case shall it contain the serial number of the
4 rifle or shotgun.

5 (Face of application form)

6 Application to Purchase Shotgun or Rifle

7 Date Hour A.M. P.M.

8 Name

9 Address

10 (Street and number) (City or town) (State)

11 Date of Birth Place of Birth

12 Height Weight Color hair.....

13 Color eyes

14 Scars

15 Tattoos

16 Other identifying marks

17 Are you a citizen of the United States

18 Are you a citizen of Rhode Island

19 How long

20 Where stationed

21 (Armed Forces only)

22 Have you ever been convicted of a crime of violence

23 (See section 11-47-2 General Laws of Rhode Island)

24 Have you ever been adjudicated or under confinement as addicted to a controlled substance

25

26 Have you ever been adjudicated or under confinement for alcoholism

27 Have you ever been confined or treated for mental illness

28 From whom is shotgun or rifle being purchased

29 Seller's address

30 Seller's signature

31 Applicant's signature

32 (See section 11-47-23 for penalty for false information on this application)

33 (Reverse side of application form)

34 AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections 11-47-1 -

1 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence Plantations,
2 and that I am aware of the penalties for violation of the provisions of the cited sections.
3 Signed
4 County of
5 State of Rhode Island
6 Subscribed and sworn before me this.... day of.... A.D. 20...
7 Notary Public

8 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign
9 and forward by registered mail or by delivery in person, the original and duplicate copies of the
10 application to the superintendent of the Rhode Island state police or the chief of police in the city
11 or town in which the seller has his or her residence or place of business. The superintendent of the
12 Rhode Island state police or the chief of police in the city or town in which the person has his or
13 her residence or place of business shall mark or stamp the original copy of the application form
14 with the date and time of receipt and return it by the most expeditious means to the seller. The
15 triplicate copy duly signed by the seller shall within seven (7) days be sent by him or her by
16 registered mail to the attorney general. The person shall retain the original copy duly receipted by
17 the police authority to whom sent or delivered for a period of six (6) years with other records of
18 the sale. It shall be the duty of the police authority to whom the duplicate copy of the application
19 form is sent or delivered to make a background check of the applicant to ascertain whether he or
20 she falls under the provisions of section 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse
21 of seven (7) days from twelve o'clock (12:00) noon of the day following application, no
22 disqualifying information has been received from the investigating police authority by the person
23 who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the applicant.
24 Upon the finding of no disqualifying information under the provisions of the above cited sections
25 of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate
26 and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate
27 copies in violation of this chapter or any unauthorized use of the information contained in them
28 by a person or agency shall be punishable by a fine of not more than one thousand dollars
29 (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly
30 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of
31 section 11-47-39.

32 (c) The provisions of this section shall not apply to full-time members of the state police,
33 full-time members of city or town police departments, persons licensed under sections 11-47-9
34 and ~~11-47-11~~, or to sales of air rifles or " BB guns" or to sales of antique firearms as defined in

1 section 11-47-2.

2 **11-47-60. Possession of firearms on school grounds.** -- (a) (1) No person shall have in
3 his or her possession any firearm or other weapons on school grounds.

4 (2) For the purposes of this section, "school grounds" means the property of a public or
5 private elementary or secondary school or in those portions of any building, stadium, or other
6 structure on school grounds which were, at the time of the violation, being used for an activity
7 sponsored by or through a school in this state or while riding school provided transportation.

8 (3) Every person violating the provisions of this section shall, upon conviction, be
9 sentenced to imprisonment for not less than one year nor more than five (5) years, or shall be
10 fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000).

11 (4) Any juvenile adjudicated delinquent pursuant to this statute shall, in addition to
12 whatever other penalties are imposed by the family court, lose his or her license to operate a
13 motor vehicle for up to six (6) months. If the juvenile has not yet obtained the necessary age to
14 obtain a license, the court may impose as part of its sentence a delay in his or her right to obtain
15 the license when eligible to do so, for a period of up to six (6) months.

16 (b) The provisions of this section shall not apply to any person who shall be exempt
17 pursuant to the provisions of sections 11-47-9, ~~11-47-11~~, and 11-47-18 or to the following
18 activities when the activities are officially recognized and sanctioned by the educational
19 institution:

20 (1) Firearm instruction and/or safety courses;

21 (2) Government-sponsored military-related programs such as ROTC;

22 (3) Interscholastic shooting and/or marksmanship events;

23 (4) Military history and firearms collection courses and/or programs; and

24 (5) The use of blank guns in theatrical and/or athletic events.

25 (c) The provisions of this section shall not apply to colleges, universities, or junior
26 colleges.

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

LC02365

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES -- WEAPONS

- 1 This act would require any person requesting a license or permit to carry a pistol or
2 revolver upon his or her person to undergo a national criminal records check and would limit
3 those authorized to issue said license or permit to the office of attorney general.
4 This act would take effect upon passage.

LC02365

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO CRIMINAL OFFENSES – WEAPONS

Introduced By: Representatives Valencia, Ajello, Handy, Finn, and Messier

Date Introduced: April 11, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-11 and 11-47-34 of the General Laws in Chapter 11-47
2 entitled "Weapons" are hereby repealed.
3 ~~11-47-11. License or permit to carry concealed pistol or revolver. (a) The licensing~~
4 ~~authorities of any city or town shall, upon application of any person twenty-one (21) years of age~~
5 ~~or over having a bona fide residence or place of business within the city or town, or of any person~~
6 ~~twenty-one (21) years of age or over having a bona fide residence within the United States and a~~
7 ~~license or permit to carry a pistol or revolver concealed upon his or her person issued by the~~
8 ~~authorities of any other state or subdivision of the United States, issue a license or permit to the~~
9 ~~person to carry concealed upon his or her person a pistol or revolver everywhere within this state~~
10 ~~for four (4) years from date of issue, if it appears that the applicant has good reason to fear an~~
11 ~~injury to his or her person or property or has any other proper reason for carrying a pistol or~~
12 ~~revolver, and that he or she is a suitable person to be so licensed. The license or permit shall be in~~
13 ~~triplicate in form to be prescribed by the attorney general and shall bear the fingerprint,~~
14 ~~photograph, name, address, description, and signature of the licensee and the reason given for~~
15 ~~desiring a license or permit and in no case shall it contain the serial number of any firearm. The~~
16 ~~original shall be delivered to the licensee. Any member of the licensing authority, its agents,~~
17 ~~servants, and employees shall be immune from suit in any action, civil or criminal, based upon~~
18 ~~any official act or decision, performed or made in good faith in issuing a license or permit under~~
19 ~~this chapter.~~

1 ~~(b) Notwithstanding any other chapter or section of the general laws of the state of~~
2 ~~Rhode Island, the licensing authority of any city or town shall not provide or release to any~~
3 ~~individual, firm, association or corporation the name, address, or date of birth of any person who~~
4 ~~has held or currently holds a license or permit to carry a concealed pistol or revolver. This section~~
5 ~~shall not be construed to prohibit the release of any statistical data of a general nature relative to~~
6 ~~age, gender and racial or ethnic background nor shall it be construed to prevent the release of~~
7 ~~information to parties involved in any prosecution of section 11-47-8 or in response to a lawful~~
8 ~~subpoena in any criminal or civil action which the person is a party to that action.~~

9 **11-47-34. Firearms permits to minors.** ~~The Rhode Island state police or the chief of~~
10 ~~police of the city or town in which the person resides shall issue permits to any person under~~
11 ~~eighteen (18) years of age only upon satisfactory proof of being engaged in a course of training in~~
12 ~~the use of firearms at a regular and recognized camp or rifle range, and provided that the person~~
13 ~~has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of~~
14 ~~junior divisions of senior gun clubs incorporated in the state of Rhode Island shall be prima facie~~
15 ~~evidence of the person under eighteen (18) years of age being engaged in a course of training in~~
16 ~~the use of firearms at a regular and recognized camp or rifle range.~~

17 SECTION 2. Sections 11-47-8, 11-47-9.1, 11-47-12, 11-47-13, 11-47-18, 11-47-35.1, 11-
18 47-35.2 and 11-47-60 of the General Laws in Chapter 11-47 entitled "Weapons" are hereby
19 amended to read as follows:

20 **11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**

21 ~~==~~ (a) No person shall, without a license or permit issued as provided in sections ~~11-47-11~~, 11-47-
22 12 and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her
23 person whether visible or concealed, except in his or her dwelling house or place of business or
24 on land possessed by him or her or as provided in sections 11-47-9 and 11-47-10. The provisions
25 of these sections shall not apply to any person who is the holder of a valid license or permit
26 issued by the licensing authority of another state, or territory of the United States, or political
27 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any
28 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the
29 person is merely transporting the firearm through the state in a vehicle or other conveyance
30 without any intent on the part of the person to detain him or herself or remain within the state of
31 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as
32 otherwise provided in this chapter. Every person violating the provision of this section shall, upon
33 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by
34 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this

1 section shall not be afforded the provisions of suspension or deferment of sentence, nor a
2 probation.

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

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

14 11-47-9.1. Additional exemptions. -- The provisions of sections 11-47-8 and ~~11-47-11~~
15 ~~11-47-18~~ shall not apply to members of the state police, members of city or town police forces,
16 and members of the Rhode Island airport police department. Persons exempted by the provisions
17 of this section from the provisions of section 11-47-8 shall have the right to carry concealed
18 firearms everywhere within this state; provided, that this shall not be construed as giving the right
19 to carry concealed firearms to a person transporting firearms as merchandise or as household or
20 business goods.

21 11-47-12. License or permit fee. -- A fee of ~~forty dollars (\$40.00)~~ one hundred forty
22 dollars (\$140) shall be charged and shall be paid for each license or permit to the licensing
23 authority issuing it. Every license or permit shall be valid for four (4) years from the date when
24 issued unless sooner revoked. The fee charged for issuing of the license or permit shall be applied
25 for the use and benefit of the ~~city, town,~~ or state of Rhode Island.

26 11-47-13. Revocation of license or permit. -- Any license or permit may be revoked for
27 just cause at any time by the ~~authority granting it, and, upon revocation, the authority shall give~~
28 ~~immediate notice to the attorney general, who shall immediately note the revocation, with the~~
29 date of revocation, upon the copy of the license or permit on file in his or her office.

30 11-47-18. License or permit issued by attorney general on showing of need --
31 Issuance to retired police officers. -- (a) The attorney general may issue a license or permit to
32 any person twenty-one (21) years of age or over to carry a pistol or revolver, whether concealed
33 or not, upon his or her person upon a proper showing of need, subject to the provisions of sections
34 11-47-12 and 11-47-15; that license or permit may be issued notwithstanding the provisions of

1 section 11-47-7. Such person must undergo a national criminal records check, which shall include
2 fingerprints submitted to the federal bureau of investigation (FBI) by the bureau of criminal
3 identification (BCI) of the department of the attorney general. The applicant shall be responsible
4 for the cost of conducting the national criminal records check.

5 (b) All state police officers and permanent members of city and town police forces of
6 this state who have retired in good standing after at least twenty (20) years of service, or retired in
7 good standing due to a physical disability other than a psychological impairment, may be issued a
8 license or permit by the attorney general subject to the provisions of sections 11-47-12 and 11-47-
9 15. The term "in good standing" means that at the time of retirement, the police officer was not
10 facing disciplinary action that could have resulted in his or her termination for misconduct or
11 unfitness for office. Any member of the licensing authority, and its agents, servants, and
12 employees shall be immune from suit in any action, civil or criminal, based upon any official act
13 or decision, performed or made in good faith in issuing a license or permit under this chapter.

14 (c) Notwithstanding any other chapter or section of the general laws of the state of
15 Rhode Island, the attorney general shall not provide or release to any individual, firm, association
16 or corporation the name, address, or date of birth of any person who has held or currently holds a
17 license or permit to carry a concealed pistol or revolver. This section shall not be construed to
18 prohibit the release of any statistical data of a general nature relative to age, gender and racial or
19 ethnic background nor shall it be construed to prevent the release of information to parties
20 involved in any prosecution of section 11-47-8 or in response to a lawful subpoena in any
21 criminal or civil action which said person is a party to such action.

22 (d) Local law enforcement agencies shall cooperate with the attorney general throughout
23 the permitting process.

24 11-47-35.1. Persons exempt from section 11-47-35. — The provisions of section 11-47-
25 35 shall not apply to full-time members of the state police, full-time members of the state
26 marshal's office, full-time members of city or town police departments, or state marshals or
27 correctional officers or persons licensed under section ~~11-47-11~~ 11-47-18.

28 11-47-35.2. Sale of rifles/shotguns. — (a) No person shall deliver a rifle or shotgun to a
29 purchaser until seven (7) days shall have elapsed from twelve o'clock (12:00) noon of the day
30 following the day of application for the purchase, and when delivered, the rifle or shotgun shall
31 be unloaded and securely wrapped, with the bill of sale for it to be enclosed within the wrapper
32 with the rifle or shotgun. Any citizen of the United States and/or lawful resident of this state who
33 is eighteen (18) years of age or older, and any non-resident member of the armed forces of the
34 United States who is stationed in this state and who is eighteen (18) years of age or older, may,

1 upon application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase
2 of a shotgun or rifle the purchaser shall complete and sign in triplicate and deliver to the seller the
3 application form described in this section, and in no case shall it contain the serial number of the
4 rifle or shotgun.

5 (Face of application form)

6 Application to Purchase Shotgun or Rifle

7 Date Hour A.M. P.M.
8 Name
9 Address
10 (Street and number) (City or town) (State)
11 Date of Birth Place of Birth
12 Height Weight Color hair.....
13 Color eyes
14 Scars
15 Tattoos
16 Other identifying marks
17 Are you a citizen of the United States
18 Are you a citizen of Rhode Island
19 How long
20 Where stationed
21 (Armed Forces only)
22 Have you ever been convicted of a crime of violence
23 (See section 11-47-2 General Laws of Rhode Island)
24 Have you ever been adjudicated or under confinement as addicted to a controlled substance
25
26 Have you ever been adjudicated or under confinement for alcoholism
27 Have you ever been confined or treated for mental illness
28 From whom is shotgun or rifle being purchased
29 Seller's address
30 Seller's signature
31 Applicant's signature

32 (See section 11-47-23 for penalty for false information on this application)

33 (Reverse side of application form)

34 AFFIDAVIT: I certify that I have read and am familiar with the provisions of sections 11-47-1 -

1 11-47-59, inclusive, of the general laws of the State of Rhode Island and Providence Plantations,
2 and that I am aware of the penalties for violation of the provisions of the cited sections.
3 Signed
4 County of
5 State of Rhode Island
6 Subscribed and sworn before me this.... day of.... A.D. 20...
7 Notary Public

8 (b) The person who is selling the rifle or shotgun shall, on the date of application, sign
9 and forward by registered mail or by delivery in person, the original and duplicate copies of the
10 application to the superintendent of the Rhode Island state police or the chief of police in the city
11 or town in which the seller has his or her residence or place of business. The superintendent of the
12 Rhode Island state police or the chief of police in the city or town in which the person has his or
13 her residence or place of business shall mark or stamp the original copy of the application form
14 with the date and time of receipt and return it by the most expeditious means to the seller. The
15 triplicate copy duly signed by the seller shall within seven (7) days be sent by him or her by
16 registered mail to the attorney general. The person shall retain the original copy duly receipted by
17 the police authority to whom sent or delivered for a period of six (6) years with other records of
18 the sale. It shall be the duty of the police authority to whom the duplicate copy of the application
19 form is sent or delivered to make a background check of the applicant to ascertain whether he or
20 she falls under the provisions of section 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse
21 of seven (7) days from twelve o'clock (12:00) noon of the day following application, no
22 disqualifying information has been received from the investigating police authority by the person
23 who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the applicant.
24 Upon the finding of no disqualifying information under the provisions of the above cited sections
25 of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate
26 and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate
27 copies in violation of this chapter or any unauthorized use of the information contained in them
28 by a person or agency shall be punishable by a fine of not more than one thousand dollars
29 (\$1,000). The provisions of this section shall not apply to bona fide sales at wholesale to duly
30 licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of
31 section 11-47-39.

32 (c) The provisions of this section shall not apply to full-time members of the state police,
33 full-time members of city or town police departments, persons licensed under sections 11-47-9
34 and ~~11-47-11~~, or to sales of air rifles or " BB guns" or to sales of antique firearms as defined in

1 section 11-47-2.

2 **11-47-60. Possession of firearms on school grounds.** -- (a) (1) No person shall have in
3 his or her possession any firearm or other weapons on school grounds.

4 (2) For the purposes of this section, "school grounds" means the property of a public or
5 private elementary or secondary school or in those portions of any building, stadium, or other
6 structure on school grounds which were, at the time of the violation, being used for an activity
7 sponsored by or through a school in this state or while riding school provided transportation.

8 (3) Every person violating the provisions of this section shall, upon conviction, be
9 sentenced to imprisonment for not less than one year nor more than five (5) years, or shall be
10 fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000).

11 (4) Any juvenile adjudicated delinquent pursuant to this statute shall, in addition to
12 whatever other penalties are imposed by the family court, lose his or her license to operate a
13 motor vehicle for up to six (6) months. If the juvenile has not yet obtained the necessary age to
14 obtain a license, the court may impose as part of its sentence a delay in his or her right to obtain
15 the license when eligible to do so, for a period of up to six (6) months.

16 (b) The provisions of this section shall not apply to any person who shall be exempt
17 pursuant to the provisions of sections 11-47-9, ~~11-47-11~~, and 11-47-18 or to the following
18 activities when the activities are officially recognized and sanctioned by the educational
19 institution:

20 (1) Firearm instruction and/or safety courses;

21 (2) Government-sponsored military-related programs such as ROTC;

22 (3) Interscholastic shooting and/or marksmanship events;

23 (4) Military history and firearms collection courses and/or programs; and

24 (5) The use of blank guns in theatrical and/or athletic events.

25 (c) The provisions of this section shall not apply to colleges, universities, or junior
26 colleges.

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

LC02196

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES – WEAPONS

- 1 This act would require any person requesting a license or permit to carry a pistol or
- 2 revolver upon his or her person to undergo a national criminal records check and would limit
- 3 those authorized to issue said license or permit to the office of attorney general.
- 4 This act would take effect upon passage.

LC02196