

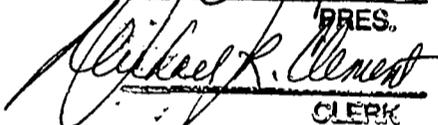
RESOLUTION OF THE CITY COUNCIL

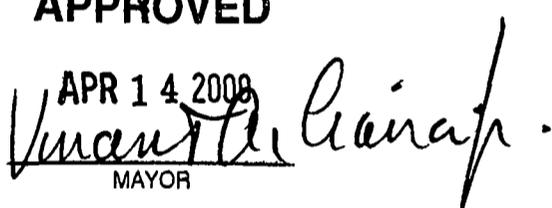
No. 197

Approved April 14, 2000

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 2000-S 2707 and House Bill 2000-H 7691 Relating to Criminal Offenses--Liability for Discharge of Firearms, in substantially the form attached.

IN CITY COUNCIL
APR 6 2000
READ AND PASSED

PRES.

CLERK

APPROVED
APR 14 2000

MAYOR

=====
LC02031
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

—————**2000-S 2707**
A N A C T

RELATING TO CRIMINAL OFFENSES -- LIABILITY FOR DISCHARGE OF FIREARMS

00-S 2707

Introduced By: Senators Walton, Goodwin and Igliazzi

Date Introduced: February 10, 2000

Referred To: Senate Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
2 by adding thereto the following section:

3 11-47-63. Liability for direct and consequential damages arising from firearms. --

4 (1) Any manufacturer, importer, dealer, or distributor of a firearm or assault weapon shall be
5 liable in tort, without regard to fault or proof of defect, for all direct and consequential damages
6 that arise from bodily injury or death if the bodily injury or death results from the discharge
7 within the state of Rhode Island, of the firearm or assault weapon. Provided, that if such firearm
8 or assault weapon employs a mechanism or device which is designed to prevent anyone except
9 the registered owner from discharging the firearm or assault weapon, including but not limited to
10 radio frequency tags, automated fingerprint identification systems, or mechanical locks, the
11 manufacturer, importer, dealer, or distributor shall not be subject to the provisions of and/or
12 liability under this section.

13 (2) For the purposes of this section, the term "firearm" shall mean a pistol, revolver, or
14 other weapon of any description loaded or unloaded, from which a shot or bullet can be
15 discharged and of which the length of the barrel or barrels is less than sixteen (16) inches or
16 eighteen (18) inches in the case of a shotgun, as originally manufactured.

17 (3) For the purposes of this section, the term "assault weapon" shall include all versions
18 of the following, including all rifles, shotguns, or pistols sold under the designation provided in

1 this section, and rifles, shotguns, or pistols which are substantially identical thereto sold under
2 any designation: (a) Avtomat Kalishnikov, also known as AK-47 semi automatic rifles; UZI semi
3 automatic rifles, including UZI carbine, mini carbine and pistol, AR-15 semi automatic rifles;
4 Fabrique National, FN-FAL, FN-LAR, and FN-FNC semi automatic rifles; Steyr AUG semi
5 automatic rifles; SKS semi automatic rifles; shotguns with revolving cylinders known as the
6 Street Sweeper and the Striker 12; Algimec Agmi; Armalite AR-180; Australian automatic arms
7 SAP pistol; Auto Ordinance Thompson type; Barrett Light-Fifty model 82A1; Berretta AR-70;
8 Bushmaster auto rifle and auto pistol; Calico models M-900, M-950 and 100-P; Chartered
9 Industries of Singapore SR-88; Daewoo K-1, K-2, Max 1 and Max 2; Enocm MK-IV, MP-9 and
10 NP45; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC450; Franchi
11 SPAS-12; Galil AR and ARM; Gonez high tech carbine and high tech long pistol; Heckler &
12 Koch HK-91,0 HK-93, HK-94, and SP-89; Holmes MP-83; MAC-10 and MAC-11 carbine types;
13 Intratree TEC-9, DC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/SF
14 folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre auto carbine
15 and auto pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7; USAS-
16 12 Weaver Arms Nighthawk; Wilkinson "Linda" pistol:

17 (b) any other semi automatic rifle with a fixed magazine capacity exceeding ten (10)
18 rounds;

19 (c) any other shotgun with a fixed magazine, cylinder, drum or tube capacity exceeding
20 six (6) rounds: and

21 (d) any semi automatic firearm which is a modification of a rifle or shotgun described in
22 this subsection: that is, having the same make, caliber, and action design but a shorter barrel or no
23 rear stock.

24 (4) For the purposes of this section, the term "assault weapon" shall not include: (a) a
25 rifle or shotgun which does not employ fixed ammunition; (b) a rifle, shotgun or pistol which was
26 manufactured prior to the year eighteen hundred and ninety-eight (1898); (c) a rifle or shotgun
27 which operates by manual bolt action; (d) a rifle, shotgun, or pistol which operates by lever
28 action; (e) a rifle, shotgun, or pistol which operates by side action; (f) a rifle, shotgun, or pistol
29 which is a single shot weapon; (g) a rifle, shotgun, or pistol which is a multiple barrel weapon;
30 (h) a rifle which is a revolving cylinder weapon; (i) a rifle which employs a fixed magazine with
31 a capacity of ten (10) rounds or less; (j) a shotgun which is a rimfire weapon that employs a
32 tubular magazine with a magazine capacity of six (6) rounds or less; (k) a rifle or shotgun which
33 cannot employ a detachable magazine or ammunition belt with a capacity greater than ten (10)

1 rounds; (l) a rifle, shotgun, or pistol which has been modified so as to render it permanently
2 inoperable or so to make it permanently a device which may not appropriately be designated as
3 an assault weapon; or (m) a rifle, shotgun, or pistol which is an antique or relic firearm, movie
4 prop or other weapon not capable of firing a projectile and not intended for use as a functional
5 weapon and which cannot be readily converted through a combination of available parts into an
6 operable assault weapon.

7 The term "large capacity ammunition belt" shall mean a belt or strip holding more than
8 ten (10) rounds of ammunition to be fed continuously into a semi automatic rifle, shotgun or
9 pistol.

10 The term "large capacity magazine belt" shall mean a box, drum or other magazine
11 container which holds more than ten (10) rounds of ammunition to be fed continuously into a
12 semi automatic rifle, shotgun or pistol.

13 The term "semi automatic" shall mean the capability of firing a shot with each depression
14 of the trigger without additional slid, bolt or other manual action.

15 The term "high damage ammunition" shall mean any ammunition used in a firearm or
16 assault weapon which is capable of piercing or penetrating armor or bullet proof vests.

17 (5) This section shall not apply to firearms or assault weapons originally distributed to
18 officers of law enforcement agencies, members of the armed forces of the United States, or the
19 organized militia of the state of Rhode Island or of any other state, to the extent that any such
20 person is authorized to acquire, possess or carry a firearm or an assault weapon and is acting
21 within the scope of his duties.

22 (6) This section shall not apply where the injury or death results from the intentional
23 self-inflicted use of a firearm or assault weapon or where the person discharging a firearm or
24 assault weapon is injured by such while committing a crime, or where the person discharges a
25 firearm in self defense.

26 (7) This section shall not serve to limit any cause of action, other than that provided by
27 this section available to a person injured by a firearm or assault weapon. Any defense that is
28 available in a strict liability shall be available as a defense under this section.

29 (8) This section shall only apply to the discharge of a firearm or assault weapon which is
30 manufactured, imported, or distributed after the effective date of this act.

31 (9) For the purposes of this section, "direct and consequential damages" shall include,
32 but not be limited to, reasonable and necessary medical expenses, diminution of earning capacity,
33 pain and suffering, including mental suffering and emotional distress, loss of consortium, and in

2000-S 2707

1 the case of death, those damages enumerated in chapter 10-7.

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

=====
LC02031
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES -- LIABILITY FOR DISCHARGE OF FIREARMS

1 This act would expose manufacturers and dealers of firearms to tort liability for bodily
2 injuries and death resulting from the discharge of any firearm which does not contain a safety
3 device designed to prevent unauthorized users from discharging the firearm.

4 This act would take effect upon passage.

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

2000-H 7691
AN ACT

RELATING TO CRIMINAL OFFENSES -- LIABILITY FOR DISCHARGE OF FIREARMS

2000-H 7691

Introduced By: Reps. Carpenter, Lima, Williams,
Fox and Costantino
Date Introduced: February 3, 2000

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
2 by adding thereto the following section:

3 11-47-63. Liability for direct and consequential damages arising from firearms. --
4 (1) Any manufacturer, importer, dealer, or distributor of a firearm or assault weapon shall be
5 liable in tort, without regard to fault or proof of defect, for all direct and consequential damages
6 that arise from bodily injury or death if the bodily injury or death results from the discharge
7 within the state of Rhode Island, of the firearm or assault weapon. Provided, that if such firearm
8 or assault weapon employs a mechanism or device which is designed to prevent anyone except
9 the registered owner from discharging the firearm or assault weapon, including but not limited to
10 radio frequency tags, automated fingerprint identification systems, or mechanical locks, the
11 manufacturer, importer, dealer, or distributor shall not be subject to the provisions of and/or
12 liability under this section.

13 (2) For the purposes of this section, the term "firearm" shall mean a pistol, revolver, or
14 other weapon of any description loaded or unloaded, from which a shot or bullet can be
15 discharged and of which the length of the barrel or barrels is less than sixteen (16) inches or
16 eighteen (18) inches in the case of a shotgun, as originally manufactured.

17 (3) For the purposes of this section, the term "assault weapon" shall include all versions
18 of the following, including all rifles, shotguns, or pistols sold under the designation provided in

1 this section, and rifles, shotguns, or pistols which are substantially identical thereto sold under
2 any designation: (a) Avtomat Kalishnikov, also known as AK-47 semi automatic rifles; UZI semi
3 automatic rifles, including UZI carbine, mini carbine and pistol, AR-15 semi automatic rifles;
4 Fabrique National, FN-FAL, FN-LAR, and FN-FNC semi automatic rifles; Steyr AUG semi
5 automatic rifles; SKS semi automatic rifles; shotguns with revolving cylinders known as the
6 Street Sweeper and the Striker 12; Algimec Agmi; Armallite AR-180; Australian automatic arms
7 SAP pistol; Auto Ordinance Thompson type; Barrett Light-Fifty model 82A1; Berretta AR-70;
8 Bushmaster auto rifle and auto pistol; Calico models M-900, M-950 and 100-P; Chartered
9 Industries of Singapore SR-88; Daewoo K-1, K-2, Max 1 and Max 2; Enocm MK-IV, MP-9 and
10 NP45; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC450; Franchi
11 SPAS-12; Galil AR and ARM; Gonez high tech carbine and high tech long pistol; Heckler &
12 Koch HK-91,0 HK-93, HK-94, and SP-89; Holmes MP-83; MAC-10 and MAC-11 carbine types;
13 Intratree TEC-9, DC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/SF
14 folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre auto carbine
15 and auto pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7; USAS-
16 12 Weaver Arms Nighthawk; Wilkinson "Linda" pistol;

17 (b) any other semi automatic rifle with a fixed magazine capacity exceeding ten (10)
18 rounds;

19 (c) any other shotgun with a fixed magazine, cylinder, drum or tube capacity exceeding
20 six (6) rounds; and

21 (d) any semi automatic firearm which is a modification of a rifle or shotgun described in
22 this subsection; that is, having the same make, caliber, and action design but a shorter barrel or no
23 rear stock.

24 (4) For the purposes of this section, the term "assault weapon" shall not include: (a) a
25 rifle or shotgun which does not employ fixed ammunition; (b) a rifle, shotgun or pistol which was
26 manufactured prior to the year eighteen hundred and ninety-eight (1898); (c) a rifle or shotgun
27 which operates by manual bolt action; (d) a rifle, shotgun, or pistol which operates by lever
28 action; (e) a rifle, shotgun, or pistol which operates by side action; (f) a rifle, shotgun, or pistol
29 which is a single shot weapon; (g) a rifle, shotgun, or pistol which is a multiple barrel weapon;
30 (h) a rifle which is a revolving cylinder weapon; (i) a rifle which employs a fixed magazine with
31 a capacity of ten (10) rounds or less; (j) a shotgun which is a rimfire weapon that employs a
32 tubular magazine with a magazine capacity of six (6) rounds or less; (k) a rifle or shotgun which
33 cannot employ a detachable magazine or ammunition belt with a capacity greater than ten (10)

1 rounds; (l) a rifle, shotgun, or pistol which has been modified so as to render it permanently
2 inoperable or so to make it permanently a device which may not appropriately be designated as
3 an assault weapon; or (m) a rifle, shotgun, or pistol which is an antique or relic firearm, movie
4 prop or other weapon not capable of firing a projectile and not intended for use as a functional
5 weapon and which cannot be readily converted through a combination of available parts into an
6 operable assault weapon.

7 The term "large capacity ammunition belt" shall mean a belt or strip holding more than
8 ten (10) rounds of ammunition to be fed continuously into a semi automatic rifle, shotgun or
9 pistol.

10 The term "large capacity magazine belt" shall mean a box, drum or other magazine
11 container which holds more than ten (10) rounds of ammunition to be fed continuously into a
12 semi automatic rifle, shotgun or pistol.

13 The term "semi automatic" shall mean the capability of firing a shot with each depression
14 of the trigger without additional slid, bolt or other manual action.

15 The term "high damage ammunition" shall mean any ammunition used in a firearm or
16 assault weapon which is capable of piercing or penetrating armor or bullet proof vests.

17 (5) This section shall not apply to firearms or assault weapons originally distributed to
18 officers of law enforcement agencies, members of the armed forces of the United States, or the
19 organized militia of the state of Rhode Island or of any other state, to the extent that any such
20 person is authorized to acquire, possess or carry a firearm or an assault weapon and is acting
21 within the scope of his duties.

22 (6) This section shall not apply where the injury or death results from the intentional
23 self-inflicted use of a firearm or assault weapon or where the person discharging a firearm or
24 assault weapon is injured by such while committing a crime, or where the person discharges a
25 firearm in self defense.

26 (7) This section shall not serve to limit any cause of action, other than that provided by
27 this section available to a person injured by a firearm or assault weapon. Any defense that is
28 available in a strict liability shall be available as a defense under this section.

29 (8) This section shall only apply to the discharge of a firearm or assault weapon which is
30 manufactured, imported, or distributed after the effective date of this act.

31 (9) For the purposes of this section, "direct and consequential damages" shall include,
32 but not be limited to, reasonable and necessary medical expenses, diminution of earning capacity,
33 pain and suffering, including mental suffering and emotional distress, loss of consortium, and in

2000-H 7691

1 the case of death, those damages enumerated in chapter 10-7.

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

LC02030

EXPLANATION
BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO CRIMINAL OFFENSES -- LIABILITY FOR DISCHARGE OF FIREARMS

1 This act would expose manufacturers and dealers of firearms to tort liability for bodily
2 injuries and death resulting from the discharge of any firearm which does not contain a safety
3 device designed to prevent unauthorized users from discharging the firearm.

4 This act would take effect upon passage.

RESOLUTION OF THE CITY COUNCIL

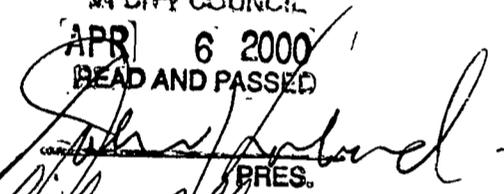
No. 198

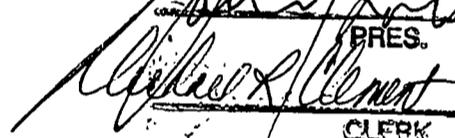
Approved April 14, 2000

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 2000-S 2674 and House Bill 2000-H 7693 Relating to Criminal Offenses--Weapons, in substantially the form attached.

IN CITY COUNCIL

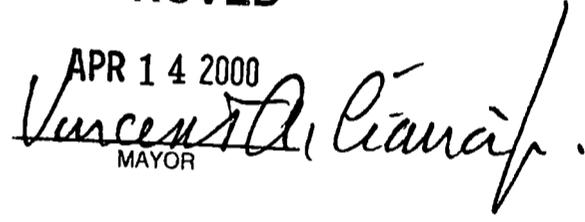
APR 6 2000
READ AND PASSED


PRES.


CLERK

APPROVED

APR 14 2000


MAYOR

Cousinman Allen

2000 --

=====
LC01889
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

————— **2000-S 2674**
A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

00-S 2674

Introduced By: Senators Kells, Goodwin, Graziano, Iglizzi,
Ruggerio, et al.

Date Introduced: February 10, 2000

Referred To: Senate Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-50 of the General Laws in Chapter 11-47 entitled "Weapons"

2 is hereby amended to read as follows:

3 11-47-50. Firing without landowner's permission -- Firing in compact area -- (a)

4 Every person, not being at the time under military duty, who shall discharge any firearm, "BB
5 gun", or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles,

6 within the compact part of any city or town, or who shall discharge a firearm or other contrivance
7 elsewhere, except upon land owned or occupied by him or her or by permission of the owner or

8 occupant of the land on or into which he or she may shoot, shall be guilty of a misdemeanor, and

9 as she, shall be subject to a fine not exceeding five hundred dollars (\$500) or one year in prison,

10 or both; provided, however, that any city or town may by ordinance permit the discharge on

11 nonposted land.

12 (b) The provisions of this section shall not apply to the owner of land who uses, or who

13 gives permission to another to use without charge, a recurve, compound or longbow, provided

14 that they are not used within two hundred fifty feet (250') of a dwelling house.

15 (c) Notwithstanding the foregoing provisions, any person, not being at the time under

16 military duty, an active police officer in the line of duty, or person lawfully utilizing a licensed

17 target practice range who shall discharge any firearm, "BB gun," or other contrivance arranged to

18 discharge shot, bullets, arrows, darts, or other missiles anywhere within the city of Providence

2000-S 2674

- 1 shall be guilty of a felony, subject to a fine of one thousand dollars (\$1,000) or more, or a prison
2 term of one (1) year or more or both.
3 SECTION 2. This act shall take effect upon passage.

=====
LC01889
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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

- 1 This act would make it a felony to discharge any firearm within the city of Providence.
2 This act would take effect upon passage.

LC01878

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

AN ACT **2000-H 7693**

RELATING TO CRIMINAL OFFENSES -- WEAPONS

2000-H 7693

Introduced By: Reps. Carpenter, Moura, Lima, Almeida, and
Abdullah-Odiase

Date Introduced: February 3, 2000

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-50 of the General Laws in Chapter 11-47 entitled "Weapons"

2 is hereby amended to read as follows:

3 11-47-50. Firing without landowner's permission -- Firing in compact area -- (a)

4 Every person, not being at the time under military duty, who shall discharge any firearm, "BB
5 gun", or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles,
6 within the compact part of any city or town, or who shall discharge a firearm or other contrivance
7 elsewhere, except upon land owned or occupied by him or her or by permission of the owner or
8 occupant of the land on or into which he or she may shoot, shall be guilty of a misdemeanor, and
9 as the, shall be subject to a fine not exceeding five hundred dollars (\$500) or one year in prison,
10 or both; provided, however, that any city or town may by ordinance permit the discharge on
11 nonposted land.

12 (b) The provisions of this section shall not apply to the owner of land who uses, or who
13 gives permission to another to use without charge, a recurve, compound or longbow, provided
14 that they are not used within two hundred fifty feet (250') of a dwelling house.

15 (c) Notwithstanding the foregoing provisions, any person, not being at the time under
16 military duty, an active police officer in the line of duty, or person lawfully utilizing a licensed
17 target practice range who shall discharge any firearm, "BB gun," or other contrivance arranged to
18 discharge shot, bullets, arrows, darts, or other missiles anywhere within the city of Providence

2000-H 7693

- 1 shall be guilty of a felony, subject to a fine of one thousand dollars (\$1,000) or more, or a prison
2 term of one (1) year or more or both.

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

=====
LC01878
=====

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

- 1 This act would make it a felony to discharge any firearm within the city of Providence.
2 This act would take effect upon passage.