

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 260

Approved May 11, 2001

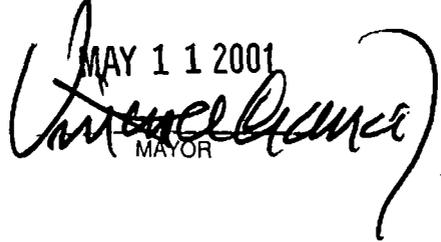
RESOLVED, That the Members of the Providence City Council hereby endorse and urge Passage by the General Assembly of Senate Bill 2001-S 0740 and House Bill 2001-H 5833 Relating to Criminal Offenses-- Junk Guns, in substantially the form attached.

IN CITY COUNCIL
MAY 10 2001
READ AND PASSED


PRES. Acting

CLERK

APPROVED

MAY 11 2001

MAYOR

RECEIVED BY
MAY 2 2001
CLERK

APR 9 2001
CITY COUNCIL

FIRST READING
REFERRED TO COMMITTEE ON
STATE LEGISLATION

Michael R. Claver CLERK

THE COMMITTEE ON

State Legislation
Recommends Approval
Clare Bestuch
Clerk

May 2, 2001

Cancelled Allen (By request)

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY **01-S 0740**

JANUARY SESSION, A.D. 2001

A N A C T

RELATING TO CRIMINAL OFFENSES -- JUNK GUNS

01-S 0740

Introduced By: Senators Walton, Kells and Perry

Date Introduced: February 14, 2001

Referred To: Senate Committee on 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 JUNK GUNS

5 11-47.1-1. Purpose. -- Junk guns are handguns that are typically short barreled, easily
6 concealable, and generally lack any sporting purpose. These firearms also are often made of
7 inferior materials and are involved in street crimes. Therefore, it is in the interest of the public to
8 restrict this type of handgun.

9 11-47.1-2. Definition. -- The term "junk gun" shall mean any of the following:

10 (A) A "pistol," "revolver," or "firearm" capable of being concealed upon the person,
11 which contains a frame, barrel, breechblock, cylinder, or slide that is not completely fabricated of
12 heat treated carbon steel, forged alloy or other material of equal or higher tensile strength; or

13 (B) A semi-automatic pistol which:

14 (1) Is not originally equipped by the manufacturer with a locked-breach action; and

15 (2) Is chambered for cartridges developing maximum permissible breech pressures
16 above 24,100 copper units of pressure as standardized by the Sporting Arms and Ammunition
17 Manufacturer's Institute.

18 (3) For purpose of this chapter, "semi-automatic pistol" shall mean a firearm which is

1 designed to be held and fired with one (1) hand and which does the following upon discharge:

2 (a) fires the cartridge in the chamber;

3 (b) ejects the fired cartridge case; and

4 (c) loads a cartridge from the magazine into the chamber.

5 (C) A "pistol," "revolver," or "firearm" capable of being concealed upon the person is
6 defined as:

7 (1) using an action mechanism which is substantially identical in design to any action
8 mechanism manufactured in or before 1898 that was originally chambered for rimfire
9 ammunition developing maximum permissible breech pressures below 19,000 copper units of
10 pressure as standardized by the Sporting Arms and Ammunition Manufacturer's Institute;

11 (2) chambered to fire either centerfire ammunition or rimfire ammunition developing
12 maximum permissible breech pressures above 19,000 copper units of pressure as standardized by
13 the Sporting Arms and Ammunition Manufacturer's Institute; and

14 (3) not originally equipped by the manufacturer with a nondetachable safety guard
15 surrounding the trigger; or

16 (4) equipped with a barrel of less than twenty (20) bore diameters in overall length
17 protruding from the frame.

18 (5) For purpose of this chapter, "action mechanism" shall mean the mechanism of a
19 firearm by which it is loaded, locked, fired and unloaded.

20 11-47.1-3. Exclusions. -- The term "junk gun" shall not include any of the following:

21 (A) any pistol which is an antique or relic firearm;

22 (B) any pistol for which the propelling force is classified as pneumatic that is of or
23 related to compressed air or any other gases not directly produced by combustion;

24 (C) children's pop guns or toys; or

25 (D) any pistol which has been modified in such a manner so as to render it no longer
26 classified as a junk gun, or to make it permanently inoperable.

27 11-47.1-4. Exemptions. -- Nothing in this chapter shall prohibit the use of any junk gun
28 by a police or peace officer, certified in the state of Rhode Island, when on duty and the use of
29 such firearm is within the scope of his/her duties.

30 11-47.1-5. Roster of junk guns. -- (A) The superintendent of the state police shall
31 publish and thereafter maintain a roster of junk guns. This roster shall list those firearms by
32 manufacturer and model number which has been classified as a junk gun within the meaning of
33 this section. For purposes of this section, the initial roster of junk guns to be published by the

1 superintendent of the state police shall consist of the following firearms, each of which shall be
2 rebuttably presumed to be a junk gun:

3 1. Bryco: 28, 48; 59;

4 2. Davis; p-380;

5 3. Hi-Point Firearms: JS-9MM; JS-40; JS-45; JS-9MM Compact;

6 4. Intratec: Protec-22; Protec-25; Category 9;

7 5. Jennings: J-22; J-25;

8 6. Lorcin: L-9MM; L-22; L-25; L-32; L-380;

9 7. Phoenix Arms: Raven 25; HP 22; HP 25; and

10 8. Sundance: Boa: A-25.

11 (B) Double-action revolvers:

12 1. E.A.A. Standard Grade Revolvers (except in caliber 357 Magnum – all steel);

13 2. FIE Arminius and Titan Models; and

14 3. Heritage Sentry Revolvers.

15 (C) Single-Action Revolvers:

16 North American: Mini- Revolvers: Mini-Master: Black Widow Revolver.

17 (D) Derringers:

18 (1) American Derringer: 1:4:6:7:10: 11: Lady Model: Alaskan Survival: Texas

19 Commemorative: DA38;

20 (2) Davis: Standard Model Derringers: Long-Bore Derringers: D-Series Derringers;

21 (3) Feather Guardian Angel Pistols;

22 (4) HJS: Frontier Four; Antigua;

23 (5) New Advantage 22 WMR Derringer;

24 (6) Sundance: Point Blank Derringer; and

25 (7) Texas Armory: Defender Derringer.

26 11-47.1-6. Notification of classification.. -- Upon publication of the roster of junk
27 guns, the superintendent of the state police shall send written notice, by certified mail, to the
28 manufacturer of every firearm listed on said roster, and to every dealer licensed to sell or transfer
29 firearms in the state of Rhode Island, informing said persons of each firearm, including its model
30 number, that has been classified as a junk gun pursuant to this section.

31 11-47.1-7. Republication of the roster of junk guns. -- On a semi-annual basis, or on
32 a more frequent basis if deemed necessary by the superintendent of the state police or his/her
33 designee, a determination shall be made to ascertain the need to update and republish the roster of

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1 junk guns pursuant to this chapter. The roster of junk guns shall be required to be updated and
2 republished by the superintendent of the state police if, subsequent to the most recent publication
3 or republication of the roster, one (1) or more firearms has been determined to constitute a junk
4 gun within the meaning of this chapter. If the superintendent of the state police is required to
5 update and republish the roster of junk guns pursuant to this section, the superintendent of the
6 state police shall forward the republished roster to the manufacturer of every new firearm added
7 to the roster, and to every dealer licensed to sell or transfer firearms in the superintendent of the
8 state police of the state of Rhode Island.

9 11-47.1-8. Severability. -- If any provision of this chapter or the application thereof to
10 any person or circumstances is held invalid, such invalidity shall not affect other provisions or
11 applications of the chapter, which can be given effect without the invalid provision or application,
12 and to this end the provisions of this chapter are declared to be severable.

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

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

1 This act would establish a definition and notification of classification to gun
2 manufacturers and dealers of junk guns.

3 This act would take effect upon passage.

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

01-H 5833

JANUARY SESSION, A.D. 2001

AN ACT

RELATING TO CRIMINAL OFFENSES -- JUNK GUNS

2001-H 5833

Introduced By: Reps. Almeida, Moura, Cicilline,
Tejada and Lima

Date Introduced: February 6, 2001

Referred To: Committee on 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 JUNK GUNS

5 11-47.1-1. Purpose. -- Junk guns are handguns that are typically short barreled, easily
6 concealable, and generally lack any sporting purpose. These firearms also are often made of
7 inferior materials and are involved in street crimes. Therefore, it is in the interest of the public to
8 restrict this type of handgun.

9 11-47.1-2. Definition. -- The term "junk gun" shall mean any of the following:

10 (A) A "pistol," "revolver," or "firearm" capable of being concealed upon the person,
11 which contains a frame, barrel, breechblock, cylinder, or slide that is not completely fabricated of
12 heat treated carbon steel, forged alloy or other material of equal or higher tensile strength; or

13 (B) A semi-automatic pistol which:

14 (1) is not originally equipped by the manufacturer with a locked-breach action; and

15 (2) is chambered for cartridges developing maximum permissible breech pressures
16 above 24,100 copper units of pressure as standardized by the Sporting Arms and Ammunition
17 Manufacturer's Institute.

18 (3) For purpose of this chapter, "semi-automatic pistol" shall mean a firearm which is

1 designed to be held and fired with one (1) hand and which does the following upon discharge:
2 (a) fires the cartridge in the chamber;
3 (b) ejects the fired cartridge case; and
4 (c) loads a cartridge from the magazine into the chamber.
5 (C) A "pistol," "revolver," or "firearm" capable of being concealed upon the person" is
6 defined as:
7 (1) using an action mechanism which is substantially identical in design to any action
8 mechanism manufactured in or before 1898 that was originally chambered for rimfire
9 ammunition developing maximum permissible breech pressures below 19,000 copper units of
10 pressure as standardized by the Sporting Arms and Ammunition Manufacturer's Institute;
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12 maximum permissible breech pressures above 19,000 copper units of pressure as standardized by
13 the Sporting Arms and Ammunition Manufacturer's Institute; and
14 (3) not originally equipped by the manufacturer with a nondetachable safety guard
15 surrounding the trigger; or
16 (4) equipped with a barrel of less than twenty (20) bore diameters in overall length
17 protruding from the frame.
18 (5) For purpose of this chapter, "action mechanism" shall mean the mechanism of a
19 firearm by which it is loaded, locked, fired and unloaded.
20 11-47.1-3. Exclusions. -- The term "junk gun" shall not include any of the following:
21 (A) any pistol which is an antique or relic firearm;
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23 related to compressed air or any other gases not directly produced by combustion;
24 (C) children's pop guns or toys; or
25 (D) any pistol which has been modified in such a manner so as to render it no longer
26 classified as a junk gun, or to make it permanently inoperable.
27 11-47.1-4. Exemptions. -- Nothing in this chapter shall prohibit the use of any junk gun
28 by a police or peace officer, certified in the state of Rhode Island, when on duty and the use of
29 such firearm is within the scope of his/her duties.
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31 publish and thereafter maintain a roster of junk guns. This roster shall list those firearms by
32 manufacturer and model number which has been classified as a junk gun within the meaning of
33 this section. For purposes of this section, the initial roster of junk guns to be published by the

1 superintendent of the state police shall consist of the following firearms, each of which shall be
2 rebuttably presumed to be a junk gun:

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- 6 4. Intratec: Protec-22; Protec-25; Category 9;
- 7 5. Jennings: J-22; J-25;
- 8 6. Lorcin: L-9MM; L-22; L-25; L-32; L-380;
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17 (D) Derringers.

- 18 (1) American Derringer: 1;4;6;7;10; 11; Lady Model; Alaskan Survival; Texas
- 19 Commemorative; DA38;
- 20 (2) Davis: Standard Model Derringers; Long-Bore Derringers; D-Series Derringers;
- 21 (3) Feather Guardian Angel Pistols;
- 22 (4) HJS: Frontier Four; Antigua;
- 23 (5) New Advantage 22 WMR Derringer;
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01-H 5833

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5 update and republish the roster of junk guns pursuant to this section, the superintendent of the
6 state police shall forward the republished roster to the manufacturer of every new firearm added
7 to the roster, and to every dealer licensed to sell or transfer firearms in the superintendent of the
8 state police of the state of Rhode Island.

9 11-47.1-8. Severability. -- If any provision of this chapter or the application thereof to
10 any person or circumstances is held invalid, such invalidity shall not affect other provisions or
11 applications of the chapter, which can be given effect without the invalid provision or application,
12 and to this end the provisions of this chapter are declared to be severable.

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

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LC01706
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