

RESOLUTION OF THE CITY COUNCIL

No. 313

Approved June 17, 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council respectfully requests the Rhode Island General Assembly to pass, House Bill 2019 H-5762 and Senate Bill 2019 S-636, An Act Relating to Criminal Offenses - Weapons.

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

IN CITY COUNCIL

JUN 06 2019

READ AND PASSED

Sabina Mats
PRES.

Shawn Sellick
CLERK

I HEREBY APPROVE.

[Signature]
Mayor
Date: *6/17/19*

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Diaz, Slater, Blazejewski, Craven, and Mendez

Date Introduced: February 27, 2019

Referred To: House Judiciary

(Governor/Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-60 of the General Laws in Chapter 11-47 entitled "Weapons"

2 is hereby amended to read as follows:

3 **11-47-60. Possession of firearms on school grounds.**

4 (a)(1) No person shall have in his or her possession any firearm or other weapons on
5 school grounds or within three hundred feet (300') of school grounds.

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

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

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

18 (b) The provisions of this section shall not apply to any person who shall be exempt
19 pursuant to the provisions of §§ 11-47-9, ~~11-47-11, and 11-47-18~~ who is a "peace officer" as

1 defined in § 12-7-21, a retired law enforcement officer permitted under § 11-47-18(b) or pursuant
2 to 18 U.S.C. §§ 926(B) and 926(c), an individual in accordance with a contract entered into
3 between a school and the individual or an employer of the individual to provide security services
4 to the school, or to the following activities when the activities are officially recognized and
5 sanctioned by the educational institution:

- 6 (1) Firearm instruction and/or safety courses;
7 (2) Government-sponsored military-related programs such as ROTC;
8 (3) Interscholastic shooting and/or marksmanship events;
9 (4) Military history and firearms collection courses and/or programs; and
10 (5) The use of blank guns in theatrical and/or athletic events.
11 (c) The provisions of this section shall not apply to colleges, universities, or junior
12 colleges.

13 (d) The provisions of this section shall not apply to the possession of a firearm:

- 14 (1) On private property not part of school grounds or;
15 (2) That is not loaded and is in a locked container or a locked rack located in a motor
16 vehicle.

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

LC001627

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES - WEAPONS

1 This act would prohibit the possession of firearms within three hundred feet (300') of
2 school grounds except for peace officers, retired law enforcement officers, persons under contract
3 to provide school security services, firearms on private property and unloaded firearms in locked
4 containers or a locked rack on motor vehicles.

5 This act would take effect upon passage.

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LC001627
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senators Metts, Quezada, Crowley, Goldin, and Lawson

Date Introduced: March 19, 2019

Referred To: Senate Judiciary

(Governor/ Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-60 of the General Laws in Chapter 11-47 entitled "Weapons"

2 is hereby amended to read as follows:

3 **11-47-60. Possession of firearms on school grounds.**

4 (a)(1) No person shall have in his or her possession any firearm or other weapons on
5 school grounds or within three hundred feet (300') of school grounds.

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

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

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

18 (b) The provisions of this section shall not apply to any person who shall be exempt
19 pursuant to the provisions of §§ 11-47-9, ~~11-47-11, and 11-47-18~~ who is a "peace officer" as

1 defined in § 12-7-21, a retired law enforcement officer permitted under § 11-47-18(b) or pursuant
2 to 18 U.S.C. §§ 926(B) and 926(c), an individual in accordance with a contract entered into
3 between a school and the individual or an employer of the individual to provide security services
4 to the school, or to the following activities when the activities are officially recognized and
5 sanctioned by the educational institution:

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12 colleges.

13 (d) The provisions of this section shall not apply to the possession of a firearm:

14 (1) On private property not part of school grounds or;

15 (2) That is not loaded and is in a locked container or a locked rack located in a motor
16 vehicle.

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

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LC001616
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES - WEAPONS

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5 This act would take effect upon passage.

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LC001616
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