

2016 -- S 2835

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senators Goldin, Coyne, Miller, Goodwin, and Nesselbush

Date Introduced: March 23, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **11-47-2. Definitions.** -- When used in this chapter, the following words and phrases are
4 construed as follows:

5 (1) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
6 § 921.

7 (2) "Crime of violence" means and includes any of the following crimes or an attempt to
8 commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or
9 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,
10 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
11 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
12 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
13 28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a
14 dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to
15 commit any offense punishable as a felony; upon any conviction of an offense punishable as a
16 felony offense under § 12-29-5.

17 (3) "Detachable magazine" means an ammunition feeding device that can be loaded or
18 unloaded while detached from a firearm and readily inserted into a firearm.

19 ~~(3)~~(4) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun,"

1 "BB gun," or other instrument from which steel or metal projectiles are propelled, or which may
2 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,
3 and except instruments propelling projectiles which are designed or normally used for a primary
4 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a
5 firearm under the provisions of this section.

6 (5) "Fixed magazine" means an ammunition feeding device contained in, or permanently
7 attached to, a firearm in such a manner that the device cannot be removed without disassembly of
8 the firearm action.

9 ~~(4)~~(6) "Fugitive from justice" means any person who has fled from any state, territory,
10 the District of Columbia, or possession of the United States to avoid prosecution for a crime of
11 violence or to avoid giving testimony in any criminal proceeding.

12 (7) "High capacity magazine" and "large capacity ammunition magazines" means any
13 ammunition feeding device with the capacity to accept more than ten (10) rounds, or any
14 conversion kit, part, or combination of parts, from which such a device can be assembled if those
15 parts are in the possession or under the control of the same person, but shall not be construed to
16 include any of the following:

17 (i) A feeding device that has been permanently altered so that it cannot accommodate
18 more than ten (10) rounds;

19 (ii) A .22 caliber tube ammunition feeding device; and

20 (iii) A tubular magazine that is contained in a lever-action firearm.

21 ~~(5)~~(8) "Licensing authorities" means the board of police commissioners of a city or town
22 where the board has been instituted, the chief of police or superintendent of police of other cities
23 and towns having a regular organized police force, and, in towns where there is no chief of police
24 or superintendent of police, it means the town clerk who may issue licenses upon the
25 recommendation of the town sergeant, and it also means any other person or body duly authorized
26 by the city or town charter or by state law.

27 ~~(6)~~(9) "Machine gun" means any weapon which shoots, is designed to shoot, or can be
28 readily restored to shoot automatically more than one shot, without manual reloading, by a single
29 function of the trigger. The term also includes the frame or receiver of the weapon, any
30 combination of parts designed and intended for use in converting a weapon into a machine gun,
31 and any combination of parts from which a machine gun can be assembled if the parts are in the
32 possession or under the control of a person.

33 ~~(7)~~(10) "Person" includes an individual, partnership, firm, association, or corporation.

34 ~~(8)~~(11) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon

1 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver
2 designed for the use of blank cartridges only.

3 ~~(9)~~(12) "Sawed-off rifle" means any rifle with overall length of less than twenty-six
4 inches (26") and/or barrel length of less than sixteen inches (16").

5 ~~(10)~~(13) "Sawed-off shotgun" means any shotgun with overall length of less than
6 twenty-six inches (26") and/or barrel length of less than eighteen inches (18").

7 ~~(11)~~(14) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
8 accept, and borrow, and "purchasing" shall be construed accordingly.

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

11 **11-47-64. High capacity magazines.** -- (a) No person, corporation, or other entity in the
12 state may manufacture, import, possess, purchase, sell or transfer any high capacity magazine.
13 Every person violating the provisions of this section shall, upon conviction, be subject to
14 imprisonment for not less than three (3) years nor more than ten (10) years.

15 (b) Subsection (a) of this section, shall not apply to:

16 (1) Any government officer, agent, or employee, member of the armed forces of the
17 United States, or peace officer, to the extent that such person is otherwise authorized to acquire or
18 possess a high capacity magazine, and does so while acting within the scope of their duties;

19 (2) The manufacture of a high capacity magazine by a firearms manufacturer for the
20 purpose of sale to any branch of the armed forces of the United States, or to a law enforcement
21 agency in this state for use by that agency or its employees, provided the manufacturer is properly
22 licensed under federal, state and local laws; and

23 (3) The sale or transfer of a high capacity magazine by a dealer that is properly licensed
24 under federal, state and local laws to any branch of the armed forces of the United States, or to a
25 law enforcement agency in this state for use by that agency or its employees for law enforcement
26 purposes.

27 (c) Any person who, prior to the effective date of this law, was legally in possession of a
28 high capacity magazine, shall have one hundred twenty (120) days from such effective date to do
29 any of the following without being subject to prosecution:

30 (1) Remove the high capacity magazine from the state;

31 (2) Sell the high capacity magazine to a licensed firearms dealer; or

32 (3) Surrender the high capacity magazine to the appropriate law enforcement agency for
33 destruction subject to specific agency regulations.

1 SECTION 3. 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 - WEAPONS

1 This act would criminalize the manufacture, import, possession, purchase, sale or transfer
2 of any ammunition feeding device capable of accepting more than ten (10) rounds known as high
3 capacity magazines.

4 This act would take effect upon passage.

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