

2017 -- S 0399

LC001892

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senators Archambault, Ruggerio, McCaffrey, Lombardo, and Lombardi

Date Introduced: March 02, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-2 and 11-47-20 of the General Laws in Chapter 11-47
2 entitled "Weapons" are hereby amended to read as follows:

3 **11-47-2. Definitions.**

4 When used in this chapter, the following words and phrases are 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) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB
18 gun," or other instrument from which steel or metal projectiles are propelled, or which may
19 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) "Fugitive from justice" means any person who has fled from any state, territory, the
5 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) "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 or body duly authorized
12 by the city or town charter or by state law.

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

19 (7) "Person" includes an individual, partnership, firm, association, or corporation.

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

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

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

27 (11) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
28 accept, and borrow, and "purchasing" shall be construed accordingly.

29 (12) "Firearm silencer" means any device for silencing, muffling or diminishing the
30 report of a portable firearm, including any combination of parts, designed or redesigned, and
31 intended for the use in assembling or fabricating a firearm silencer or firearm muffler.

32 **11-47-20. Sale or possession of silencers. Sale and possession of silencers.**

33 It shall be unlawful within this state to manufacture, sell, purchase, or possess and/or use
34 a firearm, with an overall length of less than seventeen inches (17"), which has attached any

1 muffler, silencer, or device for deadening or muffling the sound of a [the](#) firearm when discharged.
2 Violations of this section shall be punished by imprisonment for not less than one year and one
3 day.

4 SECTION 2. Chapter 20-13 of the General Laws entitled "Hunting and Hunting Safety"
5 is hereby amended by adding thereto the following section:

6 **20-13-18. Hunting with a silencer.**

7 [An individual in lawful possession of a device that will silence, suppress or muffle the](#)
8 [sound or natural report of a rifle or shotgun when the rifle or shotgun is discharged may use such](#)
9 [a device to hunt any game for which the individual is licensed, provided that the rifle or shotgun](#)
10 [to which the device is attached has an overall length of seventeen inches \(17"\) or greater.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would define a firearm silencer and permit the use of such a device on any
2 firearm with an overall length of seventeen inches or greater and would permit the use of such a
3 device for lawful hunting activity.

4 This act would take effect upon passage.

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