

2020 -- H 7102 SUBSTITUTE A AS AMENDED

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LC003660/SUB A/2
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Serpa, Caldwell, McEntee, McKiernan, and
Blazejewski

Date Introduced: January 15, 2020

Referred To: House 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.**

4 When used in this chapter, the following words and phrases are construed as follows:

5 (1) "3D printing process" means 3D printing or additive manufacturing which is a
6 process of making three (3) dimensional solid objects from a computer file and shall include any
7 of various processes in which material is joined or solidified under computer control to create a
8 three (3) dimensional object, with material being added together including liquid molecules, or
9 powder grains.

10 ~~(1)~~(2) "Antique firearm" is defined as that term is defined under the provisions of 18
11 U.S.C. § 921.

12 ~~(2)~~(3) "Binary trigger" means a device that replaces a standard trigger on a semi-
13 automatic weapon and is designed to fire one round on the pull of the trigger and another round
14 upon release of the trigger.

15 ~~(3)~~(4) "Bump-fire stock" means any device that replaces a semi-automatic weapon's
16 standard stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to
17 rapidly fire the weapon.

18 ~~(4)~~(5) "Crime of violence" means and includes any of the following crimes or an attempt
19 to commit any of them: murder, manslaughter, rape, first- or second-degree sexual assault, first-

1 or second-degree child molestation, kidnapping, first- and second-degree arson, mayhem,
2 robbery, burglary, breaking and entering, any felony violation involving the illegal manufacture,
3 sale, or delivery of a controlled substance, or possession with intent to manufacture, sell, or
4 deliver a controlled substance classified in schedule I or schedule II of § 21-28-2.08, any
5 violation of § 21-28-4.01.1 or § 21-28-4.01.2 or conspiracy to commit any violation of these
6 statutes, assault with a dangerous weapon, assault or battery involving grave bodily injury, or
7 assault with intent to commit any offense punishable as a felony; upon any conviction of an
8 offense punishable as a felony offense under § 12-29-5.

9 ~~(5)~~(6) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun",
10 "BB gun", or other instrument from which steel or metal projectiles are propelled, or that may
11 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,
12 and except instruments propelling projectiles that are designed or normally used for a primary
13 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a
14 firearm under the provisions of this section.

15 ~~(6)~~(7) "Fugitive from justice" means any person who has fled from any state, territory,
16 the District of Columbia, or possession of the United States to avoid prosecution for a crime of
17 violence or to avoid giving testimony in any criminal proceeding.

18 (8) "Ghost gun" means a firearm, including a frame or receiver, that lacks a unique serial
19 number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer,
20 maker or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. It does
21 not include a firearm that has been rendered permanently inoperable, or a firearm that is not
22 required to have a serial number in accordance with the Federal Gun Control Act of 1968.

23 ~~(7)~~(9) "Licensing authorities" means the board of police commissioners of a city or town
24 where the board has been instituted, the chief of police or superintendent of police of other cities
25 and towns having a regular organized police force, and, in towns where there is no chief of police
26 or superintendent of police, it means the town clerk who may issue licenses upon the
27 recommendation of the town sergeant, and it also means any other person or body duly authorized
28 by the city or town charter or by state law.

29 ~~(8)~~(10) "Machine gun" means any weapon that shoots, is designed to shoot, or can be
30 readily restored to shoot automatically more than one shot, without manual reloading, by a single
31 function of the trigger. The term also includes the frame or receiver of the weapon, any
32 combination of parts designed and intended for use in converting a weapon into a machine gun,
33 and any combination of parts from which a machine gun can be assembled if the parts are in the
34 possession or under the control of a person.

1 (11) "Major component" means, with respect to a firearm:
2 (i) The slide or cylinder or the frame or receiver of the firearm; and
3 (ii) In the case of a rifle or shotgun, includes the barrel of the firearm.

4 ~~(9)~~(12) "Person" includes an individual, partnership, firm, association, or corporation.

5 ~~(10)~~(13) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar
6 weapon with overall length less than twenty-six inches (26"), but does not include any pistol or
7 revolver designed for the use of blank cartridges only.

8 ~~(11)~~(14) "Sawed-off rifle" means any rifle with overall length of less than twenty-six
9 inches (26") or barrel length of less than sixteen inches (16").

10 ~~(12)~~(15) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-
11 six inches (26") or barrel length of less than eighteen inches (18").

12 ~~(13)~~(16) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
13 accept, and borrow, and "purchasing" shall be construed accordingly.

14 ~~(14)~~(17) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-
15 automatic weapon and causes the weapon to fire by turning the crank handle.

16 (18) "Undetectable firearm" means any firearm that:

17 (i) After removal of all parts, other than a major component, is not as detectable by walk-
18 through metal detectors commonly used at airports or other public buildings; or

19 (ii) Any major component of which, if subjected to inspection by the types of detection
20 devices commonly used at airports or other public buildings for security screening, would not
21 generate an image that accurately depicts the shape of the component; or

22 (iii) Is manufactured wholly of plastic, fiberglass, or through a 3D printing process; or

23 (iv) Upon which the frame or receiver lacks a unique serial number engraved or cased
24 into on the frame or receiver by a licensed manufacturer, maker or importer under federal law, or
25 markings in accordance with 27 C.F.R. § 479.102. Provided, however, this subsection shall not
26 apply to any firearm rendered permanently inoperable or a firearm manufactured prior to 1968.

27 SECTION 2. Section 11-47-8 of the General Laws in Chapter 11-47 entitled "Weapons"
28 is hereby amended to read as follows:

29 ~~**11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**~~
30 **License or permit required for carrying pistol -- Other weapons prohibited.**

31 (a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-
32 12, and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her
33 person whether visible or concealed, except in his or her dwelling house or place of business or
34 on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of

1 these sections shall not apply to any person who is the holder of a valid license or permit issued
2 by the licensing authority of another state, or territory of the United States, or political
3 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any
4 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the
5 person is merely transporting the firearm through the state in a vehicle or other conveyance
6 without any intent on the part of the person to detain him or herself or remain within the state of
7 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as
8 otherwise provided in this chapter. Every person violating the provision of this section shall, upon
9 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by
10 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this
11 section, shall not be afforded the provisions of suspension or deferment of sentence, nor a
12 probation.

13 (b) No person shall have in his or her possession or under his or her control any sawed-
14 off shotgun or sawed-off rifle as defined in § 11-47-2. Any person convicted of violating this
15 subsection shall be punished by imprisonment for up to ten (10) years, or by a fine of up to five
16 thousand dollars (\$5,000), or both.

17 (c) No person shall have in his or her possession or under his or her control any firearm
18 while the person delivers, possesses with intent to deliver, or manufactures a controlled
19 substance. Any person convicted of violating this subsection shall be punished by imprisonment
20 for not less than two (2) years nor more than twenty (20) years, and the sentence shall be
21 consecutive to any sentence the person may receive for the delivery, possession with intent to
22 deliver, or the manufacture of the controlled substance. It shall not be a defense to a violation of
23 this subsection that a person has a license or permit to carry or possess a firearm.

24 (d) It shall be unlawful for any person to possess a bump-fire device, binary trigger,
25 trigger crank, or any other device that when attached to a semi-automatic weapon allows full-
26 automatic fire. Individuals who possess these items shall have ninety (90) days from the
27 enactment of this section to either sell, destroy, or otherwise remove these items from the state of
28 Rhode Island. Every person violating the provisions of this section shall, upon conviction, be
29 punished by imprisonment for not less than one nor more than ten (10) years, or by a fine up to
30 ten thousand dollars (\$10,000), or both, and, except for a first conviction under this section, shall
31 not be afforded the provisions of suspension or deferment of sentence, nor a probation.

32 (e) No person shall manufacture, sell, offer to sell, transfer, purchase, possess, or have
33 under his or her control a ghost gun or an undetectable firearm or any firearm produced by a 3D
34 printing process. Any person convicted of violating this subsection shall be punished by

1 imprisonment of not more than ten (10) years, or by a fine up to ten thousand dollars (\$10,000),
2 or both and except for a first conviction under this section shall not be afforded the provisions of
3 suspension or deferment of sentence, probation, nor fine. These provisions shall not apply to
4 federally licensed manufacturers (FLN) pursuant to Alcohol, Tobacco, Firearms, and Explosives
5 (ATF) regulations.

6 SECTION 3. Severability. If any provision of this act or the application thereof to any
7 person or circumstances is held invalid, such invalidity shall not affect any other provisions or
8 applications of this act, which can be given effect without the invalid provision or application,
9 and to this end the provisions of this act are declared to be severable.

10 SECTION 4. This act shall take effect upon passage and its provisions shall be
11 enforceable ~~ninety (90)~~ thirty (30) days after 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 provide certain definitions relative to undetectable firearms and would
2 prohibit the manufacturing, importation, sale, shipment, delivery, possession, or transfer of any
3 ghost gun or firearm that is undetectable by metal detectors commonly used at airports and public
4 buildings including 3D printed firearms as defined herein.

5 This act would take effect upon passage and its provisions would be enforceable ~~ninety~~
6 ~~(90)~~ thirty (30) days after passage.

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