

2020 -- S 2594

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LC004804
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators Goodwin, McCaffrey, Lynch Prata, Coyne, and Euer

Date Introduced: February 25, 2020

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-2 and 11-47-42 of the General Laws in Chapter 11-47 entitled
2 "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) "Binary trigger" means a device that replaces a standard trigger on a semi-automatic
8 weapon and is designed to fire one round on the pull of the trigger and another round upon release
9 of the trigger.

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

13 (4) "Crime of violence" means and includes any of the following crimes or an attempt to
14 commit any of them: murder, manslaughter, rape, first- or second-degree sexual assault, first- or
15 second-degree child molestation, kidnapping, first- and second-degree arson, mayhem, robbery,
16 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
17 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
18 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
19 28-4.01.1 or § 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a

1 dangerous weapon, assault or battery involving grave bodily injury, or assault with intent to commit
2 any offense punishable as a felony; upon any conviction of an offense punishable as a felony
3 offense under § 12-29-5.

4 (5) "Electric arm" means a handheld device that transmits an electric charge from the
5 device to a person, including a stun gun or taser.

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

12 ~~(7)~~(7) "Fugitive from justice" means any person who has fled from any state, territory, the
13 District of Columbia, or possession of the United States to avoid prosecution for a crime of violence
14 or to avoid giving testimony in any criminal proceeding.

15 ~~(8)~~(8) "Licensing authorities" means the board of police commissioners of a city or town
16 where the board has been instituted, the chief of police or superintendent of police of other cities
17 and towns having a regular organized police force, and, in towns where there is no chief of police
18 or superintendent of police, it means the town clerk who may issue licenses upon the
19 recommendation of the town sergeant, and it also means any other person or body duly authorized
20 by the city or town charter or by state law.

21 ~~(9)~~(9) "Machine gun" means any weapon that shoots, is designed to shoot, or can be readily
22 restored to shoot automatically more than one shot, without manual reloading, by a single function
23 of the trigger. The term also includes the frame or receiver of the weapon, any combination of parts
24 designed and intended for use in converting a weapon into a machine gun, and any combination of
25 parts from which a machine gun can be assembled if the parts are in the possession or under the
26 control of a person.

27 ~~(10)~~(10) "Person" includes an individual, partnership, firm, association, or corporation.

28 (10)(11) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon
29 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver
30 designed for the use of blank cartridges only.

31 ~~(12)~~(12) "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches
32 (26") or barrel length of less than sixteen inches (16").

33 ~~(13)~~(13) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-
34 six inches (26") or barrel length of less than eighteen inches (18").

1 ~~(13)~~(14) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
2 accept, and borrow, and "purchasing" shall be construed accordingly.

3 ~~(14)~~(15) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-
4 automatic weapon and causes the weapon to fire by turning the crank handle.

5 **11-47-42. Weapons other than firearms prohibited.**

6 (a)(1) No person shall carry or possess or attempt to use against another any instrument or
7 weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag, metal
8 knuckles, slap glove, bludgeon, ~~stun-gun~~, or the so called "Kung-Fu" weapons.

9 (2) No person shall with intent to use unlawfully against another, carry or possess a
10 crossbow, dagger, dirk, stiletto, sword-in-cane, bowie knife, or other similar weapon designed to
11 cut and stab another.

12 (3) No person shall wear or carry concealed upon his person, any of the above-mentioned
13 instruments or weapons, or any razor, or knife of any description having a blade of more than three
14 (3) inches in length measuring from the end of the handle where the blade is attached to the end of
15 the blade, or other weapon of like kind or description.

16 Any person violating the provisions of these subsections shall be punished by a fine of not
17 more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or both,
18 and the weapon so found shall be confiscated.

19 Any person violating the provisions of these subsections while he or she is incarcerated
20 within the confines of the adult correctional institutions shall be punished by a fine of not less than
21 one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment
22 for not less than one year nor more than five (5) years, or both, and the weapon so found shall be
23 confiscated.

24 (b) No person shall sell to a person under eighteen (18) years of age, without the written
25 authorization of the minor's parent or legal guardian, any stink bomb, blackjack, slingshot, bill,
26 sandclub, sandbag, metal knuckles, slap glove, bludgeon, ~~stungun~~, paint ball gun, so called "kung-
27 fu" weapons, dagger, dirk, stiletto, sword-in-cane, bowie knife, razor, or knife of any description
28 having a blade of more than three inches (3") in length as described in subsection (a) of this section,
29 or any multi-pronged star with sharpened edges designed to be used as a weapon and commonly
30 known as a Chinese throwing star, except that an individual who is actually engaged in the
31 instruction of martial arts and licensed under § 5-43-1 may carry and possess any multi-pronged
32 star with sharpened edges for the sole purpose of instructional use. Any person violating the
33 provisions of this subsection shall be punished by a fine of not less than one thousand dollars
34 (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment for not less than one

1 year nor more than five (5) years, or both, and the weapons so found shall be confiscated.

2 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 -- WEAPONS

- 1 This act would define electric arm as a firearm and subjects it to various regulations under
- 2 chapter 47 of title 11 and would remove stun gun from the list of prohibited weapons.
- 3 This act would take effect upon passage.

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