

2022 -- S 2359

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LC004617
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators Rogers, de la Cruz, Paolino, Ciccone, E Morgan, Lombardo, and Archambault

Date Introduced: February 15, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. The general assembly makes the following findings of fact:

2 (1) Firearm silencers are currently regulated under 1934 National Firearms Act (NFA) and
3 the Gun Control Act of 1968 (GCA).

4 (2) As part of the Internal Revenue Code, the NFA taxes all aspects of the manufacture and
5 distribution of silencers and compels disclosure of the production and distribution system from
6 manufacturer to buyer. To deal in silencers, an individual is required to be the holder of a federal
7 firearms license (FFL) under the GCA and a special occupational taxpayer (SOT) under the NFA.
8 The NFA imposes a two hundred dollar (\$200) making tax on unlicensed persons and a two hundred
9 dollar (\$200) transfer tax for transfers to unlicensed persons. ATF places a tax stamp on a transfer
10 document upon the transfer's approval, and the transferee may not take possession of the silencer
11 until he or she holds that document. Under the NFA, individuals must undergo a fingerprint-based
12 criminal history background check, which is arguably more thorough than a name-based check.
13 There is no deadline for the completion of such checks. It is a felony to receive, possess, or transfer
14 an unregistered NFA weapon to include silencers. Such offenses are punishable by up to ten (10)
15 years imprisonment.

16 (3) Regulated and legal silencers are rarely used in criminal activity.

17 (4) Use of silencers can assist in protecting the hearing of firearm shooters engaged in
18 lawful sporting and target shooting activities by reducing, but not eliminating gunshot noise.

19 (5) Use of silencers benefit neighbors and public near lawful shooting clubs and ranges by

1 creating a quieter and more peaceful environment.

2 (6) Forty-two (42) states currently allow private ownership of silencers.

3 SECTION 2. Section 11-47-20 of the General Laws in Chapter 11-47 entitled "Weapons"
4 is hereby amended to read as follows:

5 **11-47-20. Sale or possession of silencers.**

6 (a) It shall be unlawful within this state to manufacture, sell, purchase, or possess any
7 muffler, silencer, suppressor, or device for deadening or muffling the sound of a firearm ~~when~~
8 ~~discharged~~ as defined by 18 U.S.C. § 921(a)(24) unless the person complies with the provisions of
9 the National Firearms Act (NFA), 26 U.S.C. § 5849, and the Gun Control Act (GCA) of 1968, as
10 amended 18 U.S.C. chapter 44, § 921 et seq.

11 (b) Violations of this section shall be punished by imprisonment for not less than one year
12 and one day.

13 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 prohibit the sale or possession of firearm silencers unless the person
2 complies with federal law in the sale, possession and use.

3 This act would take effect upon passage.

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