

2023 -- H 5369

LC000222

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Fellela, Serpa, Messier, and Ackerman

Date Introduced: February 03, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-60.1 of the General Laws in Chapter 11-47 entitled "Weapons"  
2 is hereby amended to read as follows:

3 **11-47-60.1. ~~Safe storage~~ Safe storage -- Dillon's law.**

4 (a) Nothing in this section shall be construed to reduce or limit any existing right to  
5 purchase and own firearms and/or ammunition or to provide authority to any state or local agency  
6 to infringe upon the privacy of any family, home or business except by lawful warrant.

7 (b) A person who stores or leaves on premises under ~~his or her~~ the person's control a ~~loaded~~  
8 firearm and who knows or reasonably should know that a child or any person prohibited by state  
9 or federal law from possessing a firearm is likely to gain access to the firearm, ~~without the~~  
10 ~~permission of the child's parent or guardian,~~ and the child or person prohibited by law obtains  
11 access to the firearm and causes injury to ~~himself or herself~~ themselves or any other person with the  
12 firearm, is guilty of the crime of criminal storage of a firearm and, upon conviction, shall be fined  
13 not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both. For  
14 purposes of this section, a "child" is defined as any person who has not attained the age of ~~sixteen~~  
15 ~~(16)~~ eighteen (18) years.

16 (c) A person who stores or leaves on premises under the person's control a firearm and who  
17 knows or reasonably should know that a child or any person prohibited by state or federal law from  
18 possessing a firearm is likely to gain access to the firearm, and the child or person prohibited by  
19 law obtains access to the firearm and causes serious bodily injury or death to themselves or any other

1 person with the firearm, is guilty of the crime of felony criminal storage of a firearm and, upon  
2 conviction, shall be fined not more than five thousand dollars (\$5,000) or imprisoned for not more  
3 than five (5) years, or both. For purposes of this section, "serious bodily injury" means any injury  
4 that causes a substantial risk of death or causes protracted loss or impairment of the function of any  
5 bodily part, member, or organ.

6 ~~(e)~~(d) The provisions of ~~subsection (b)~~ subsections (b) and (c) of this section shall not apply  
7 whenever any of the following occurs:

8 (1) The child or the person prohibited by law from possessing a firearm obtains the firearm  
9 as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from  
10 the premises of the owner without permission of the owner;

11 (2) The firearm is kept in a locked container or in a location which a reasonable person  
12 would believe to be secured;

13 (3) The firearm is carried on the person of the lawful possessor or within such a close  
14 proximity so that the ~~individual~~ lawful possessor can readily retrieve and use the firearm as if  
15 carried on the person of the lawful possessor;

16 (4) The firearm is locked with a locking device;

17 (5) The child obtains or obtains and discharges the firearm in a lawful act of self-defense  
18 or defense of another person;

19 (6) The person who keeps a ~~loaded~~ firearm on any premises which is under ~~his or her~~ their  
20 custody or control has no reasonable expectations, based on objective facts and circumstances, that  
21 a child or a person prohibited by law from possessing a firearm is likely to be present on the  
22 premises-; or

23 (7) The child has the express permission of a parent or guardian to access the firearm or is  
24 under the direct and immediate supervision of a parent or guardian.

25 ~~(e)~~(e)(1) If the person who allegedly violated this section is the parent or guardian of a  
26 child who is injured or who dies as the result of an accidental shooting, the attorney general's  
27 department shall consider among other factors, the impact of the injury or death on the person who  
28 has allegedly violated this section when deciding whether to prosecute an alleged violation.

29 (2) It is the intent of the general assembly that a parent or guardian of a child who is injured  
30 or who dies of an accidental shooting shall be prosecuted only in those instances in which the parent  
31 or guardian behaved in a grossly negligent manner.

32 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would amend § 11-47-60.1 and raise the age to eighteen (18) years of age for  
2 children to be prevented from accessing firearm due to failure of the possessor of the firearm to  
3 provide safe storage. The act would further require that firearms be safely stored to prevent access  
4 by persons prohibited by law from possessing a firearm. This act would also establish as a felony  
5 the failure to safely store a firearm that resulted in serious bodily injury.

6           This act would take effect upon passage.

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