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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO CRIMINAL OFFENSES - SAFE FIREARMS ACT

Introduced By: Representative Joseph S.Almeida

Date Introduced: February 26, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 47.1

4 SAFE FIREARMS ACT

5 **11-47.1-1. Short title.--** This chapter shall be known as and may be cited as the "Safe
6 Firearms Act."

7 **11-47.1-2. Definitions. --** When used in this chapter, the following words and phrases are
8 construed as follows:

9 (a) "Assault weapon" means and includes:

10 (1) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at
11 the option of the user or any of the following specified semiautomatic firearms: (i)
12 AlgimecAgmi; Armalite AR-180; (ii) Australian Automatic Arms SAP Pistol; (iii) Auto-
13 Ordnance Thompson type; (iv) Avtomat Kalashnikov AK-47 type; (v) Barrett Light-Fifty model
14 82A1; (vi) Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; (vii) Calico models M-900,
15 M-950 and 100-P; (viii) Chartered Industries of Singapore SR-88; (ix) Colt AR-15 and Sporter;
16 (x) Daewoo K-1, K-2, Max-1 and Max-2; (xi) Encom MK-IV, MP-9 and MP-45;
17 FabriqueNationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; (xii) Feather AT-9 and
18 Mini-AT; Federal XC-900 and XC-450; (xiii) Franchi SPAS-12 and LAW -12; (xiv) Galil AR
19 and ARM; (xv) Goncz High-Tech Carbine and High-Tech Long Pistol; (xvi) Heckler & Koch

1 [HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; \(xvii\) MAC-10, MAC-11 and MAC-11](#)
2 [Carbine type; \(xviii\) Intratec TEC-9 and Scorpion; \(xix\) Iver Johnson Enforcer model 3000;](#)
3 [Ruger Mini-14/5F folding stock model only; \(xx\) Scarab Skorpion; \(xxi\) SIG 57 AMT and 500](#)
4 [series; \(xxii\) Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3;](#)
5 [\(xxiii\) Sterling MK-6 and MK-7; \(xxiv\) Steyr AUG; \(xxv\) Street Sweeper and Striker 12](#)
6 [revolving cylinder shotguns; \(xxvi\) USAS-12; UZI Carbine, Mini-Carbine and Pistol; \(xxvii\)](#)
7 [Weaver Arms Nighthawk; and \(xxviii\) Wilkinson "Linda" Pistol;](#)

8 (2) [A part or combination of parts designed or intended to convert a firearm into an](#)
9 [assault weapon, as defined in this section, or any combination of parts from which an assault](#)
10 [weapon, as defined in this section, may be rapidly assembled if those parts are in the possession](#)
11 [or under the control of the same person;](#)

12 (3) [Any of the following specified semiautomatic centerfire rifles, or copies or duplicates](#)
13 [thereof with the capability of any such rifles, that were in production prior to or on the effective](#)
14 [date of this section: \(i\) AK-47; \(ii\) AK-74; \(iii\) AKM; \(iv\) AKS-74U; \(v\) ARM; \(vi\) MAADI](#)
15 [AK47; \(vii\) MAK90; \(viii\) MISR; \(ix\) NHM90 and NHM9I; \(x\) Norinco 56, 56S, 84S and 86S;](#)
16 [\(xi\) Poly Technologies AKS and AK47; \(xii\) SA 85; \(xiii\) SA 93; \(xiv\) VEPR; \(xv\) WASR-10;](#)
17 [\(xvi\) WUM; \(xvii\) Rock River Arms LAR-47;\(xviii\) Vector Arms AK-47; \(xix\) AR-10; \(xx\) AR-](#)
18 [15; \(xxi\) Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, Bushmaster MOE](#)
19 [Rifles; \(xxii\) Colt Match Target Rifles; \(xxiii\) Armalite M15; \(xxiv\) Olympic Arms AR-15, A1,](#)
20 [CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles; \(xxv\) DPMS Tactical Rifles; \(xxvi\) Smith](#)
21 [and Wesson M&P15 Rifles; \(xxvii\) Rock River Arms LAR-15; \(xxviii\) Doublestar AR Rifles;](#)
22 [\(xxix\) Barrett REC7; \(xxx\) Beretta Storm; \(xxxi\) Calico Liberty 50, 50 Tactical, 100, 100](#)
23 [Tactical, I, I Tactical, II and II Tactical Rifles; \(xxxii\) Hi-Point Carbine Rifles; \(xxxiii\) HK-PSG-](#)
24 [1; \(xxxiv\) Kel-Tec Sub-2000, SU Rifles, and RFB; \(xxxv\) Remington Tactical Rifle Model 7615;](#)
25 [\(xxxvi\) SAR-8, SAR-4800 and SR9; \(xxxvii\) SLG 95; \(xxxviii\) SLR 95 or 96; \(xxxix\) TNW](#)
26 [M230 and M2HB; \(xl\) Vector Arms UZI; \(xli\) Galil and Galil Sporter; \(xlii\) Daewoo AR 100 and](#)
27 [AR 110C; \(xliii\) FabriqueNationale/FN 308 Match and L1A1 Sporter; \(xliv\) HK USC; \(xlv\)](#)
28 [IZHMASH Saiga AK; \(xlvi\) SIG Sauer 55 1-A1, 556, 516, 716 and M400 Rifles; \(xlvii\) Valmet](#)
29 [M62S, M71S and M78S; \(xlviii\) Wilkinson Arms Linda Carbine; and \(xlix\) Barrett M107A1;](#)

30 (4) [Any of the following specified semiautomatic pistols, or copies or duplicates thereof](#)
31 [with the capability of any such pistols, that were in production prior to or on the effective date of](#)
32 [this section: \(i\) Centurion 39 AK; \(ii\) Draco AK-47; \(iii\) HCR AK-47; \(iv\) IO Inc. Hellpup AK-](#)
33 [47; \(v\) Mini-Draco AK-47; \(vi\) Yugo Krebs Krink; \(vii\) American Spirit AR-15; \(viii\)](#)
34 [Bushmaster Carbon 15; \(ix\) Doublestar Corporation AR; \(x\) DPMS AR-15; \(xi\) Olympic Arms](#)

1 AR-15; (xii) Rock River Arms LAR 15; (xiii) Calico Liberty III and III Tactical Pistols; (xiv)
2 Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols; (xv) Intratec TEC-DC9 and
3 AB-10 ; (xvi) Colefire Magnum; (xvii) German Sport 522 PK and Chiappa Firearms Mfour-22;
4 (xviii) DSA SA58 PKP FAL; (xix) I.O. Inc. PPS-43C; (xx) Kel-Tec PLR-16 Pistol; (xxi) Sig
5 Sauer P516 and P556 Pistols; and (xxii) Thompson TAS Pistols;

6 (5) Any semiautomatic firearm not listed in subsection (a) above shall also be deemed an
7 "assault weapon", regardless of the date such firearm was produced, if it meets the following
8 criteria:

9 (i) A semiautomatic, centerfire rifle that has an ability to accept a detachable magazine
10 and has at least one of the following:

11 (A) A folding or telescoping stock;

12 (B) Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other
13 stock, the use of which would allow an individual to grip the weapon, resulting in any finger on
14 the trigger hand in addition to the trigger finger being directly below any portion of the action of
15 the weapon when firing;

16 (C) A forward pistol grip;

17 (D) A flash suppressor; or

18 (E) A grenade launcher or flare launcher;

19 (ii) A semiautomatic, centerfire rifle that has a fixed magazine with the ability to accept
20 more than ten (10) rounds;

21 (iii) A semiautomatic, centerfire rifle that has an overall length of less than thirty (30)
22 inches;

23 (6) Any of the following semiautomatic shotguns, or copies or duplicates thereof with the
24 capability of any such shotguns, that were in production prior to or on the effective date of this
25 section:

26 (i) All IZHMAISH Saiga 12 Shotguns;

27 (ii) A semiautomatic shotgun that has the ability to accept a detachable magazine;

28 (iii) A shotgun with a revolving cylinder;

29 (iv) A semiautomatic shotgun that has both of the following:

30 (A) A folding or telescoping stock; and

31 (B) Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other
32 stock, the use of which would allow an individual to grip the weapon, resulting in any finger on
33 the trigger hand in addition to the trigger finger being directly below any portion of the action of
34 the weapon when firing;

1 (7) A semiautomatic pistol that has an ability to accept a detachable magazine and has at
2 least one of the following:

3 (i) An ability to accept a detachable ammunition magazine that attaches to the pistol at
4 some location outside of the pistol grip;

5 (ii) A threaded barrel capable of accepting a flash suppressor, forward pistol grip or
6 silencer;

7 (iii) A shroud that is attached to, or partially or completely encircles, the barrel and that
8 permits the shooter to fire the firearm without being burned, except a slide that encloses the
9 barrel;

10 (iv) A manufactured weight of fifty ounces (50 oz.) or more when the pistol is unloaded;

11 (v) A second hand grip;

12 (8) A semiautomatic pistol with a fixed magazine that has the ability to accept more than
13 ten (10) rounds;

14 (9) Any part or combination of parts designed or intended to convert a firearm into an
15 assault weapon, or any combination of parts from which an assault weapon, may be assembled if
16 those parts are in the possession or under the control of the same person.

17 (b) As used in this section, the term "assault weapon" does not include:

18 (1) Any firearm modified to render it permanently inoperable;

19 (2) Any part or any combination of parts of an assault weapon, that are not assembled as
20 an assault weapon, when in the possession of a licensed gun dealer or a gunsmith who is in the
21 licensed gun dealer's employ, for the purposes of servicing or repairing lawfully possessed assault
22 weapons;

23 (c) "Action of the weapon" means the part of the firearm that loads, fires and ejects a
24 cartridge, which part includes, but is not limited to, the upper and lower receiver, charging
25 handle, forward assist, magazine release and shell deflector.

26 (d) " Department" means the department of public safety.

27 (e) "Detachable magazine" means an ammunition feeding device that can be removed
28 without disassembling the firearm action.

29 (f) "Firearm" means a firearm, as defined in § 11-47 -2.

30 (g) "Forward pistol grip" means any feature capable of functioning as a grip that can be
31 held by the nontrigger hand.

32 (h) "Lawfully possesses" means, with respect to an assault weapon, actual possession or
33 constructive possession pursuant to a lawful purchase transacted prior to the effective date of this
34 section, regardless of whether the assault weapon was delivered to the purchaser prior to the

1 effective date of this section.

2 (i) "Licensed gun dealer", means a person who has a federal firearms license and a permit
3 to sell firearms pursuant to this chapter.

4 (j) "Pistol grip" means a grip or similar feature that can function as a grip for the trigger
5 hand.

6 (k) "Second hand grip" means a grip or similar feature that can function as a grip that is
7 additional to the trigger hand grip.

8 **11-47.1-3. Certificate of possession.--** (a) The department shall adopt regulations to
9 establish procedures with respect to the application for and issuance of certificates of possession
10 provided:

11 (1) The certificate of possession shall contain a description of the firearm that identifies it
12 uniquely, including all identification marks, the full name, address, date of birth and thumbprint
13 of the owner, and any other information as the department may deem appropriate;

14 (2) The name and address of a person issued a certificate of possession shall be
15 confidential and shall not be disclosed, except such records may be disclosed to:

16 (i) Law enforcement agencies and employees of the United States Probation Office acting
17 in the performance of their duties; and

18 (ii) The director of the department of behavioral healthcare, developmental disabilities
19 and hospitals (BHDDH).

20 (b) Any person who obtains title to an assault weapon for which a certificate of
21 possession has been issued under this section by bequest or intestate succession shall, within
22 ninety (90) days of obtaining title, apply to the department for a certificate of possession as
23 provided in subsection (a) of this section, render the assault weapon permanently inoperable, sell
24 the assault weapon to a licensed gun dealer or remove the assault weapon from the state.

25 (c) Any person who moves into the state in lawful possession of an assault weapon, shall,
26 within ninety (90) days, either render the assault weapon permanently inoperable, sell the assault
27 weapon to a licensed gun dealer or remove the assault weapon from this state, except that any
28 person who is a member of the military or naval forces of this state or of the United States, is in
29 lawful possession of an assault weapon and has been transferred into the state, may, within ninety
30 (90) days of arriving in the state, apply to the department for a certificate of possession with
31 respect to such assault weapon.

32 **11-47.1-4. Restrictions on manufacture, sale, purchase, and possession of certain**
33 **assault weapons. --** (a) It shall be unlawful for any person to manufacture, sell, purchase or
34 possess an assault weapon.

1 (b) Any person who, within this state, distributes, transports or imports into the state,
2 keeps for sale, or offers or exposes for sale, or who gives any assault weapon, except as otherwise
3 permitted herein shall be guilty of a class C felony and shall be sentenced to a term of
4 imprisonment of which two (2) years may not be suspended or reduced by the court.

5 (c) Except as otherwise permitted herein, any person who, within this state, possesses an
6 assault weapon shall be guilty of a class D felony and shall be sentenced to a term of
7 imprisonment of which one year may not be suspended or reduced by the court, except that a
8 first-time violation of this subsection shall be a class A misdemeanor if the person presents proof
9 that such person lawfully possessed the assault weapon on the date immediately preceding the
10 effective date of this act.

11 (d) Any person who has been issued a certificate of possession for an assault weapon as
12 provided for in this chapter, may possess the assault weapon only under the following conditions:

13 (1) At that person's residence, place of business or other property owned by that person,
14 or on property owned by another person with the owner's express permission;

15 (2) While on the premises of a target range of a public or private club or organization
16 organized for the purpose of practicing shooting at targets;

17 (3) While on a target range which holds a regulatory or business license for the purpose
18 of practicing shooting at that target range;

19 (4) While on the premises of a licensed shooting club;

20 (5) While attending any exhibition, display or educational project which is about firearms
21 and which is sponsored by, conducted under the auspices of, or approved by a law enforcement
22 agency or a nationally or state recognized entity that fosters proficiency in, or promotes education
23 about, firearms; or

24 (6) While transporting the assault weapon between any of the places set forth in this
25 subsection, or to any licensed gun dealer for servicing or repair.

26 (e) While transporting an assault weapon between any of the places set forth in
27 subsections (d)(1) – (d)(6), no person shall carry a loaded assault weapon concealed from public
28 view or knowingly have, in any motor vehicle owned, operated or occupied by such person:

29 (1) A loaded assault weapon; or

30 (2) An unloaded assault weapon unless such weapon is kept in the trunk of such vehicle
31 or in a case or other container which is inaccessible to the operator of such vehicle or any
32 passenger in such vehicle.

33 (f) Any person who violates the provisions of subsection (e), shall be fined not more than
34 five hundred dollars (\$500) or imprisoned not more than three (3) years, or both.

1 **11-47.1-5. Licensed gun dealers-Certificate of transfer.** -- (a) If an owner of an assault
2 weapon sells or transfers the assault weapon to a licensed gun dealer, such dealer shall, at the
3 time of delivery of the assault weapon, execute a certificate of transfer and cause the certificate of
4 transfer to be mailed or delivered to the department.

5 (b) The certificate of transfer shall contain:

6 (1) The date of sale or transfer;

7 (2) The name and address of the seller or transferor and the licensed gun dealer, their
8 Social Security numbers or motor vehicle operator license numbers, if applicable;

9 (3) The licensed gun dealer's federal firearms license number and seller's permit number;

10 (4) A description of the assault weapon, including the caliber of the assault weapon and
11 its make, model and serial number; and

12 (5) Any other information the commissioner prescribes. The licensed gun dealer shall
13 present such dealer's motor vehicle operator's license or Social Security card, federal firearms
14 license and seller's permit to the seller or transferor for inspection at the time of purchase or
15 transfer. The department of public safety shall maintain a file of all certificate of transfers at the
16 commissioner's central office.

17 (c) Any licensed gun dealer may lawfully transport the assault weapon between dealers or
18 out of the state, display the assault weapon at any gun show licensed by a state or local
19 governmental entity or sell the assault weapon to a resident outside the state. Any transporting of
20 the assault weapon allowed by this subsection must be done as required by § 11-47.1-4 (e).

21 (d) Any licensed gun dealer may take possession of any assault weapon for the purposes
22 of servicing or repair from any person to whom has been issued a certificate of possession for
23 such weapon pursuant this chapter.

24 (e) Any licensed gun dealer may transfer possession of any assault weapon received
25 pursuant to subsection (a) to a gunsmith for purposes of accomplishing service or repair of the
26 same. Such transfers are permissible only to the following persons:

27 (1) A gunsmith who is in the licensed gun dealer's employ; or

28 (2) A gunsmith with whom the dealer has contracted for gunsmithing services, provided
29 the gunsmith receiving the assault weapon holds a dealer's license issued pursuant to 18 U.S.C.
30 921 and the regulations issued pursuant thereto.

31 **11-47.1-6. Exceptions.** -- (a) The provisions this chapter shall not apply to:

32 (1) The possession of assault weapons by members or employees of the department of
33 public safety police departments, the department of correction, the military or naval forces of this
34 state or of the United States, any employee of the Rhode Island nuclear-service center operating a

1 nuclear power generating facility in this state for the purpose of providing security services at
2 such facility, or any person, firm, corporation, contractor or subcontractor providing security
3 services at such facility for use in the discharge of their official duties, or shall any provision
4 herein prohibit the possession or use of assault weapons by sworn members of these agencies
5 when on duty and when the possession or use is within the scope of such member's duties;

6 (2) The sale of assault weapons to the emergency management agency, department of
7 public safety police departments, the department of correction or the military or naval forces of
8 this state or of the United States, for use in the discharge of their official duties or when off duty;

9 (3) Any employee of the Rhode Island nuclear service center licensee operating a nuclear
10 power generating facility in this state for the purpose of providing security services at such
11 facility, or any person, firm, corporation, contractor or subcontractor providing security services
12 at such facility for use in the discharge of their official duties;

13 (4) A person who is the executor or administrator of an estate that includes an assault
14 weapon for which a certificate of possession has been issued and authorized by the Probate Court;

15 (5) The transfer by bequest or intestate succession of an assault weapon for which a
16 certificate of possession has been issued.

17 (b) Nothing in this chapter, shall be construed to prohibit any person, firm or corporation
18 engaged in the business of manufacturing assault weapons in this state from manufacturing or
19 transporting assault weapons in this state for sale within this state in accordance with this chapter
20 for sale outside this state.

21 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 - SAFE FIREARMS ACT

- 1 This act would establish the Safe Firearms Act. The act would define an assault weapon,
2 as would also restrict the manufacture, sale, possession and transfer of certain assault weapons.
3 This act would provide exceptions for certain police, corrections, military and other specified
4 organizations and individuals.
5 This act would take effect upon passage.

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