

2019 -- H 5497

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Filippi, Chippendale, Quattrocchi, Nardone, and Place

Date Introduced: February 14, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-9 of the General Laws in Chapter 11-47 entitled "Weapons"

2 is hereby amended to read as follows:

3 **11-47-9. Persons exempt from restrictions.**

4 (a) The provisions of § 11-47-8 shall not apply to sheriffs; deputy sheriffs; the
5 superintendent and members of the state police; members of the Rhode Island airport police
6 department; members of the Rhode Island state marshals; Rhode Island state fire marshal; chief
7 deputy state fire marshals; deputy state fire marshals assigned to the bomb squad, and those
8 assigned to the investigation unit; Providence fire department arson investigators, provided that
9 the investigator receiving the permit is a graduate of a police-training academy; correctional
10 officers, within the department of corrections; members of the city or town police force; capitol
11 police investigators of the department of attorney general appointed pursuant to § 42-9-8.1; the
12 witness protection coordinator for the witness protection review board as set forth in chapter 30
13 of title 12 and subject to the minimum qualifications of § 42-9-8.1; automobile theft investigators
14 of the Rhode Island state police pursuant to § 31-50-1; railroad police while traveling to and from
15 official assignments or while on assignments; conservation officers; or other duly appointed law
16 enforcement officers; nor to members of the Army, Navy, Air Force, and Marine Corps of the
17 United States, the National Guard, or organized reserves, when on duty; nor to members of
18 organizations by law authorized to purchase or receive firearms from the United States or this
19 state, provided these members are at, or going to or from, their places of assembly or target

1 practice; nor to officers or employees of the United States authorized by law to carry a concealed
2 firearm; nor to any civilian guard or criminal investigator carrying sidearms or a concealed
3 firearm in the performance of his or her official duties under the authority of the commanding
4 officer of the military establishment in the state of Rhode Island where he or she is employed by
5 the United States; nor to any civilian guard carrying sidearms or a concealed firearm in the
6 performance of his or her official duties under the authority of the adjutant general where he or
7 she is employed guarding a national guard facility, provided, that the commanding officer of the
8 military establishment shall have on file with the attorney general of this state a list of the names
9 and addresses of all civilian guards and criminal investigators so authorized; nor to duly
10 authorized military organizations when on duty; nor to members when at, or going to or from,
11 their customary places of assembly; nor to any individual employed in the capacity of warden,
12 associate warden, major, captain, lieutenant, sergeant, correctional officer or investigator at any
13 project owned or operated by a municipal detention facility corporation, including the Donald W.
14 Wyatt Detention Facility; nor to the regular and/or ordinary transportation of pistols or revolvers
15 as merchandise; nor to any person while transporting a pistol, or revolvers, unloaded from the
16 place of purchase to their residence; or place of business, from their residence to their place of
17 business or from their place of business to their residence, or to a federal firearms licensee for the
18 purpose of sale, to or from a bona fide gunsmith, or firearms repair facility, to any police station
19 or other location designated as a site of a bona fide "gun buy-back" program, but only if said
20 pistol or revolver is unloaded and any ammunition for said pistol or revolver is not readily or
21 directly accessible from the passenger compartment of such vehicle while transporting same and
22 further provided, that in the case of a vehicle without a compartment separate from the passenger
23 compartment, the firearm or the ammunition shall be stored in a locked container.

24 (b) The provisions of § 11-47-8 shall not apply to any person who carries a concealed or
25 non-concealed weapon, or a person who may lawfully possess a firearm and who carries a
26 concealed or non-concealed firearm, on or about their person while in the act of evacuating
27 during a mandatory evacuation order during a state of emergency declared by the governor
28 pursuant to § 30-15-9 or by a local authority pursuant to § 30-15-12. As used in this section, the
29 term "in the act of evacuating" shall mean the immediate and urgent movement of a person or
30 persons away from the evacuation zone within forty-eight (48) hours after a mandatory
31 evacuation is ordered. The forty-eight (48) hour period may be extended pursuant to the powers
32 granted the governor or local authorities pursuant to chapter 15 of title 30.

33 ~~(b)~~(c) Persons exempted by the provisions of this section from the provisions of § 11-47-
34 8 shall have the right to carry concealed firearms everywhere within this state; provided, that this

1 shall not be construed as giving the right to carry concealed firearms to a person transporting
2 firearms as merchandise or as household or business goods.

3 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 permit the open and concealed carry of weapons by any person in the act
2 of evacuating the area pursuant to an order of the governor or local authority under chapter 15 of
3 title 30.

4 This act would take effect upon passage.

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