

2019 -- H 5703

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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 McKiernan, Almeida, Williams, Blazejewski, and  
Johnston

Date Introduced: February 27, 2019

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-2 of the General Laws in Chapter 11-47 entitled "Weapons"

2 is 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  
11 standard stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to  
12 rapidly fire 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  
2 commit any offense punishable as a felony; upon any conviction of an offense punishable as a  
3 felony offense under § 12-29-5.

4 (5) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun", "BB  
5 gun", or other instrument from which steel or metal projectiles are propelled, or that may readily  
6 be converted to expel a projectile, except crossbows, recurve, compound, or longbows, and  
7 except instruments propelling projectiles that are designed or normally used for a primary  
8 purpose other than as a weapon. The frame or receiver, including an unfinished frame or receiver  
9 of the weapon shall be construed as a firearm under the provisions of this section. Any  
10 combination of parts designed or intended for use in converting any device into a firearm and  
11 from which a firearm may be readily assembled shall be construed as a firearm.

12 (6) "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  
14 violence or to avoid giving testimony in any criminal proceeding.

15 (7) "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 (8) "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  
23 function of the trigger. The term also includes the frame or receiver of the weapon, any  
24 combination of parts designed and intended for use in converting a weapon into a machine gun,  
25 and any combination of parts from which a machine gun can be assembled if the parts are in the  
26 possession or under the control of a person.

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

28 (10) "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 (11) "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 (12) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-six  
34 inches (26") or barrel length of less than eighteen inches (18").

1 (13) "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) "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 (15) The term "frame or receiver" means the part of a firearm that can provide the action  
6 or housing for the hammer, bolt, or breechblock and firing mechanism. It includes a frame or  
7 lower receiver blank, casting or machined body that requires further machining or molding to be  
8 used as part of a functional firearm and which is designed and intended to be used in the assembly  
9 of a functional firearm. The term does not include a piece of material that has had:

10 (i) Its size or external shape altered solely to facilitate transportation or storage; or

11 (ii) Solely its chemical composition altered.

12 (16) The term "ghost gun" means a firearm, including a frame or receiver, that lacks a  
13 unique serial number engraved or cased in metal or metal alloy on the frame or receiver by a  
14 licensed manufacturer or importer under federal law. It does not include a firearm that has been  
15 rendered permanently inoperable.

16 (17) The term "undetectable firearm" is defined under the terms of 18 U.S.C. § 922(p).

17 SECTION 2. Section 11-47-8 of the General Laws in Chapter 11-47 entitled "Weapons"  
18 is hereby amended to read as follows:

19 ~~**11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**~~  
20 **License or permit required for carrying a pistol -- Machine gun and other weapons**  
21 **prohibited.**

22 (a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-  
23 12, and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her  
24 person whether visible or concealed, except in his or her dwelling house or place of business or  
25 on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of  
26 these sections shall not apply to any person who is the holder of a valid license or permit issued  
27 by the licensing authority of another state, or territory of the United States, or political  
28 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any  
29 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the  
30 person is merely transporting the firearm through the state in a vehicle or other conveyance  
31 without any intent on the part of the person to detain him or herself or remain within the state of  
32 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as  
33 otherwise provided in this chapter. Every person violating the provision of this section shall, upon  
34 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by

1 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this  
2 section, shall not be afforded the provisions of suspension or deferment of sentence, nor a  
3 probation.

4 (b) No person shall have in his or her possession or under his or her control any sawed-  
5 off shotgun or sawed-off rifle as defined in § 11-47-2. Any person convicted of violating this  
6 subsection shall be punished by imprisonment for up to ten (10) years, or by a fine of up to five  
7 thousand dollars (\$5,000), or both.

8 (c) No person shall have in his or her possession or under his or her control any firearm  
9 while the person delivers, possesses with intent to deliver, or manufactures a controlled  
10 substance. Any person convicted of violating this subsection shall be punished by imprisonment  
11 for not less than two (2) years nor more than twenty (20) years, and the sentence shall be  
12 consecutive to any sentence the person may receive for the delivery, possession with intent to  
13 deliver, or the manufacture of the controlled substance. It shall not be a defense to a violation of  
14 this subsection that a person has a license or permit to carry or possess a firearm.

15 (d) It shall be unlawful for any person to possess a bump-fire device, binary trigger,  
16 trigger crank, or any other device that when attached to a semi-automatic weapon allows full-  
17 automatic fire. Individuals who possess these items shall have ninety (90) days from the  
18 enactment of this section to either sell, destroy, or otherwise remove these items from the state of  
19 Rhode Island. Every person violating the provisions of this section shall, upon conviction, be  
20 punished by imprisonment for not less than one nor more than ten (10) years, or by a fine up to  
21 ten thousand dollars (\$10,000), or both, and, except for a first conviction under this section, shall  
22 not be afforded the provisions of suspension or deferment of sentence, nor a probation.

23 (e) No person shall manufacture, sell, purchase, or possess a machine gun except as  
24 otherwise provided in this chapter. Every person violating the provision of this section shall, upon  
25 conviction, be punished by imprisonment for not less than two (2) nor more than twenty (20)  
26 years, or by a fine up to twenty thousand dollars (\$20,000), or both, and except for a first  
27 conviction under this section shall not be afforded the provisions of suspension or deferment of  
28 sentence, nor probation.

29 (f) No person shall manufacture, sell, offer to sell, transfer, purchase, possess, or have  
30 under his or her control a ghost gun or an undetectable firearm. Any person convicted of violating  
31 this subsection shall be punished by imprisonment of not more than ten (10) years, or by a fine up  
32 to ten thousand dollars (\$10,000), and except for a first conviction under this section shall not be  
33 afforded the provisions of suspension or deferment of sentence, nor probation.

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1 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

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- 1           This act would define the term "ghost gun" and bans the manufacture, sale purchase or
- 2 possession of a machine gun, a ghost gun or an undetectable firearm.
- 3           This act would take effect upon passage.

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