

2014 -- H 7585

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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 - WEAPONS - 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. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended  
2 by adding thereto the following section:

3 **11-47-63. Safe firearms act.** – (a) Any person who possesses a magazine holding more  
4 than ten (10) rounds after January 1, 2015 shall be guilty of a felony if the magazine was obtained  
5 after the effective date of this section. If the magazine was obtained before that date, the person is  
6 guilty of a misdemeanor and shall be fined not more than ninety dollars (\$90.00).

7 (b) As used in this section: (1) "Large capacity magazine" means any firearm magazine,  
8 belt, drum, feed strip, or similar device that has the capacity of, or can be readily restored or  
9 converted to accept, more than ten (10) rounds of ammunition, but does not include: (i) A feeding  
10 device that has been permanently altered so that it cannot accommodate more than ten (10)  
11 rounds of ammunition; (ii) A .22 caliber tube ammunition feeding device; (iii) A tubular  
12 magazine that is contained in a lever-action firearm; or (iv) A magazine that is permanently  
13 inoperable;

14 (2) "Lawfully possesses", with respect to a large capacity magazine, means that a person  
15 has actual and lawful possession of the large capacity magazine, or constructive possession of the  
16 large capacity magazine pursuant to a lawful purchase of a firearm that contains a large capacity  
17 magazine that was transacted prior to the effective date of this section, regardless of whether the  
18 firearm was delivered to the purchaser prior to the effective date of this section.

19 (3) "Licensed gun dealer" means a person who has a federal firearms license and a permit

1 to sell firearms pursuant to § 11-47-39.

2 (c) Except as provided in this section, on and after the effective date of this section, any  
3 person who, within this state, distributes, imports into this state, keeps for sale, offers or exposes  
4 for sale, or purchases a large capacity magazine shall be guilty of a felony. On and after the  
5 effective date of this section, any person who, within this state, transfers a large capacity  
6 magazine, except as provided in subsection (f) of this section, shall be guilty of a felony.

7 (d) Except as otherwise provided in this section: (1) Any person who possesses a large  
8 capacity magazine on or after January 1, 2015, that was obtained prior to the effective date of this  
9 section shall be guilty of a misdemeanor and be fined not more than ninety dollars (\$90.00) for a  
10 first offense and shall be guilty of a felony for any subsequent offense; and (2) Any person who  
11 possesses a large capacity magazine on or after January 1, 2015, that was obtained on or after the  
12 effective date of this section shall be guilty of a felony.

13 (e) A large capacity magazine may be possessed, purchased, or imported by: (1) Police  
14 departments, the department of corrections or the military or naval forces of this state or of the  
15 United States.

16 (2) Employees of the Rhode Island nuclear service center licensee operating a nuclear  
17 power generating facility in this state for the purpose of providing security services at such  
18 facility; or

19 (3) Any person, firm, corporation engaged in the business of manufacturing large  
20 capacity magazines in this state that manufactures or transports large capacity magazines in this  
21 state for sale within this state to persons permitted to possess such magazines.

22 (f) A large capacity magazine may be possessed in the course of business by:

23 (1) A licensed gun dealer;

24 (2) A gunsmith who is in a licensed gun dealer's employ, who possesses such large  
25 capacity magazine for the purpose of servicing or repairing a lawfully possessed large capacity  
26 magazine; or

27 (3) Any person who is the executor or administrator of an estate that includes a large  
28 capacity magazine, which is disposed of as authorized by the probate court, if the disposition is  
29 otherwise permitted by this chapter.

30 (g) Subsection (d) of this section shall not prohibit:

31 (1) The transfer by bequest or intestate succession of a large capacity magazine to be  
32 disposed of as authorized by the probate court.

33 (2) The transfer of a large capacity magazine to a police department or state or federal  
34 military, paramilitary, or protective agency.

1            [\(3\) The transfer of a large capacity magazine to a licensed gun dealer in accordance with](#)  
2            [this act.](#)

3            SECTION 2. This act shall take effect on January 1, 2015.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS - SAFE FIREARMS ACT

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1           This act makes possession of firearms magazines of more than ten (10) rounds capacity  
2 unlawful, exempting, however, military and law enforcement personnel and firearms dealers  
3 engaged in supplying magazines to lawful users, and certain transfers authorized by a probate  
4 court.

5           This act would take effect on January 1, 2015.

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