

2018 -- H 7075 SUBSTITUTE A

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LC003045/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Craven, McEntee, Knight, Carson, and Shekarchi

Date Introduced: January 10, 2018

Referred To: House Judiciary

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) "Bump fire stock" means any device which replaces a semi-automatic weapon's
8 standard stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to
9 rapidly fire the weapon.

10 (3) "Binary trigger" means a device which replaces a standard trigger on a semi-
11 automatic weapon and is designed to fire one round on the pull of the trigger and another round
12 upon release of the trigger.

13 ~~(2)~~(4) "Crime of violence" means and includes any of the following crimes or an attempt
14 to 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, and/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 ~~(3)~~(5) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun,"
5 "BB gun," or other instrument from which steel or metal projectiles are propelled, or which may
6 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,
7 and except instruments propelling projectiles which are designed or normally used for a primary
8 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a
9 firearm under the provisions of this section.

10 ~~(4)~~(6) "Fugitive from justice" means any person who has fled from any state, territory,
11 the District of Columbia, or possession of the United States to avoid prosecution for a crime of
12 violence or to avoid giving testimony in any criminal proceeding.

13 ~~(5)~~(7) "Licensing authorities" means the board of police commissioners of a city or town
14 where the board has been instituted, the chief of police or superintendent of police of other cities
15 and towns having a regular organized police force, and, in towns where there is no chief of police
16 or superintendent of police, it means the town clerk who may issue licenses upon the
17 recommendation of the town sergeant, and it also means any other person or body duly authorized
18 by the city or town charter or by state law.

19 ~~(6)~~(8) "Machine gun" means any weapon which shoots, is designed to shoot, or can be
20 readily restored to shoot automatically more than one shot, without manual reloading, by a single
21 function of the trigger. The term also includes the frame or receiver of the weapon, any
22 combination of parts designed and intended for use in converting a weapon into a machine gun,
23 and any combination of parts from which a machine gun can be assembled if the parts are in the
24 possession or under the control of a person.

25 ~~(7)~~(9) "Person" includes an individual, partnership, firm, association, or corporation.

26 ~~(8)~~(10) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon
27 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver
28 designed for the use of blank cartridges only.

29 ~~(9)~~(11) "Sawed-off rifle" means any rifle with overall length of less than twenty-six
30 inches (26") and/or barrel length of less than sixteen inches (16").

31 ~~(10)~~(12) "Sawed-off shotgun" means any shotgun with overall length of less than
32 twenty-six inches (26") and/or barrel length of less than eighteen inches (18").

33 ~~(11)~~(13) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
34 accept, and borrow, and "purchasing" shall be construed accordingly.

1 (14) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-
2 automatic weapon and causes the weapon to fire by turning the crank handle.

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

5 **11-47-8.1. Modification of semi-automatic weapon.**

6 (a) It shall be unlawful for any person within this state to modify any semi-automatic
7 weapon such that it can shoot, is designed to shoot, or can be readily restored to shoot full
8 automatic fire with a single pull or hold of the trigger. The possession of such a modified semi-
9 automatic weapon shall be evidence of guilty knowledge by the person having possession that the
10 semi-automatic weapon was modified. Every person violating the provisions of this subsection
11 shall, upon conviction, be punished by imprisonment for not less than one year nor more than ten
12 (10) years, or by a fine up to ten thousand dollars (\$10,000), or both, and, except for a first
13 conviction under this section, shall not be afforded the provisions of suspension or deferment of
14 sentence, nor a probation.

15 (b) This section shall not apply to the purchase of any such device by the Rhode Island
16 state police, by any city or town police department of the state of Rhode Island, or by the
17 department of environmental management for display as a part of a firearms training course under
18 its auspices.

19 (c) Weapons otherwise considered legal which are found modified by devices pursuant to
20 this section shall be subject to forfeiture pursuant to § 11-47-22.

21 (d) This section shall not be construed to prohibit use of a replacement trigger or trigger
22 components designed and intended to decrease the weight of the trigger pull or to improve the
23 quality and release of the trigger pull in a semi-automatic weapon.

24 SECTION 3. Section 11-47-8 of the General Laws in Chapter 11-47 entitled "Weapons"
25 is hereby amended to read as follows:

26 **11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**

27 (a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-
28 12 and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her
29 person whether visible or concealed, except in his or her dwelling house or place of business or
30 on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of
31 these sections shall not apply to any person who is the holder of a valid license or permit issued
32 by the licensing authority of another state, or territory of the United States, or political
33 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any
34 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the

1 person is merely transporting the firearm through the state in a vehicle or other conveyance
2 without any intent on the part of the person to detain him or herself or remain within the state of
3 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as
4 otherwise provided in this chapter. Every person violating the provision of this section shall, upon
5 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by
6 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this
7 section shall not be afforded the provisions of suspension or deferment of sentence, nor a
8 probation.

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

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

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

28 SECTION 4. This act shall take effect ninety days after passage of the act.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- WEAPONS

1 This act would make possession of bump stocks, binary triggers or trigger cranks
2 punishable by up to ten (10) years imprisonment and/or up to a ten thousand dollar (\$10,000)
3 fine, and would make it unlawful and apply the same penalties for any person within this state to
4 modify any semi-automatic weapon to shoot full automatic fire with a single pull or hold of the
5 trigger.

6 This act would take effect ninety days after the passage of the act.

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