

2022 -- S 2976

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senator Maryellen Goodwin

Date Introduced: May 19, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-2, 11-47-3.2 and 11-47-42 of the General Laws in Chapter
2 11-47 entitled "Weapons" are 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) "3D printing process" means 3D printing or additive manufacturing which is a process
6 of making three (3) dimensional solid objects from a computer file and shall include any of various
7 processes in which material is joined or solidified under computer control to create a three (3)
8 dimensional object, with material being added together including liquid molecules, or powder
9 grains.

10 (2) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
11 § 921.

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

15 (4) "Bump-fire stock" means any device that replaces a semi-automatic weapon's standard
16 stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to rapidly fire
17 the weapon.

18 (5) "Crime of violence" means and includes any of the following crimes or an attempt to
19 commit any of them: murder, manslaughter, rape, first- or second-degree sexual assault, first- or

1 second-degree child molestation, kidnapping, first- and second-degree arson, mayhem, robbery,
2 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
3 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
4 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
5 28-4.01.1 or § 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a
6 dangerous weapon, assault or battery involving grave bodily injury, or assault with intent to commit
7 any offense punishable as a felony; upon any conviction of an offense punishable as a felony
8 offense under § 12-29-5.

9 (6) "Electric arm" means a handheld device that transmits an electric charge from the
10 device to a person, including a stun gun or a taser.

11 ~~(6)~~(7) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun,"
12 "BB gun," electric arm or other instrument from which steel or metal projectiles are propelled, or
13 that may readily be converted to expel a projectile, except crossbows, recurve, compound, or
14 longbows, and except instruments propelling projectiles that are designed or normally used for a
15 primary purpose other than as a weapon. The frame or receiver of the weapon shall be construed
16 as a firearm under the provisions of this section.

17 ~~(7)~~(8) "Fugitive from justice" means any person who has fled from any state, territory, the
18 District of Columbia, or possession of the United States to avoid prosecution for a crime of violence
19 or to avoid giving testimony in any criminal proceeding.

20 ~~(8)~~(9) "Ghost gun" means a firearm, including a frame or receiver, that lacks a unique serial
21 number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer,
22 maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. It does
23 not include a firearm that has been rendered permanently inoperable, or a firearm that is not
24 required to have a serial number in accordance with the federal Gun Control Act of 1968.

25 ~~(9)~~(10) "Licensing authorities" means the board of police commissioners of a city or town
26 where the board has been instituted, the chief of police or superintendent of police of other cities
27 and towns having a regular organized police force, and, in towns where there is no chief of police
28 or superintendent of police, it means the town clerk who may issue licenses upon the
29 recommendation of the town sergeant, and it also means any other person or body duly authorized
30 by the city or town charter or by state law.

31 ~~(10)~~(11) "Machine gun" means any weapon that shoots, is designed to shoot, or can be
32 readily restored to shoot automatically more than one shot, without manual reloading, by a single
33 function of the trigger. The term also includes the frame or receiver of the weapon, any combination
34 of parts designed and intended for use in converting a weapon into a machine gun, and any

1 combination of parts from which a machine gun can be assembled if the parts are in the possession
2 or under the control of a person.

3 ~~(11)~~(12) "Major component" means, with respect to a firearm:

4 (i) The slide or cylinder or the frame or receiver of the firearm; and

5 (ii) In the case of a rifle or shotgun, includes the barrel of the firearm.

6 ~~(12)~~(13) "Person" includes an individual, partnership, firm, association, or corporation.

7 ~~(13)~~(14) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon
8 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver
9 designed for the use of blank cartridges only.

10 ~~(14)~~(15) "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches
11 (26") or barrel length of less than sixteen inches (16").

12 ~~(15)~~(16) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-
13 six inches (26") or barrel length of less than eighteen inches (18").

14 ~~(16)~~(17) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
15 accept, and borrow, and "purchasing" shall be construed accordingly.

16 ~~(17)~~(18) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-
17 automatic weapon and causes the weapon to fire by turning the crank handle.

18 ~~(18)~~(19) "Undetectable firearm" means any firearm that:

19 (i) After removal of all parts, other than a major component, is not as detectable by walk-
20 through metal detectors commonly used at airports or other public buildings; or

21 (ii) Any major component of which, if subjected to inspection by the types of detection
22 devices commonly used at airports or other public buildings for security screening, would not
23 generate an image that accurately depicts the shape of the component; or

24 (iii) Is manufactured wholly of plastic, fiberglass, or through a 3D printing process; or

25 (iv) Upon which the frame or receiver lacks a unique serial number engraved or cased into
26 on the frame or receiver by a licensed manufacturer, maker, or importer under federal law, or
27 markings in accordance with 27 C.F.R. § 479.102. Provided, however, this subsection shall not
28 apply to any firearm rendered permanently inoperable or a firearm manufactured prior to 1968.

29 **11-47-3.2. Using a firearm when committing a crime of violence.**

30 (a) No person shall use a firearm while committing or attempting to commit a crime of
31 violence. Every person violating the provisions of this section shall be punished: (1) for the first
32 offense by imprisonment for ten (10) years; however, if the violation was committed by use of a
33 machine gun as defined in ~~§ 11-47-2(10)~~ § 11-47-2, the term of imprisonment shall be thirty (30)
34 years; (2) for a second conviction under this section by imprisonment for twenty (20) years;

1 however, if the violation was committed by use of a machine gun as defined in ~~§ 11-47-2(10)~~ [§ 11-](#)
2 [47-2](#), the term of imprisonment shall be life; and (3) for a third or subsequent conviction, the person
3 shall be sentenced to life, or life without the possibility of parole by the sentencing judge after
4 consideration of aggravating and mitigating circumstances contained in §§ 12-19.2-3 and 12-19.2-
5 4. Any sentence imposed upon a person pursuant to this section shall be imposed consecutively to
6 and not concurrently with any sentence imposed for the underlying crime or attempted crime, and
7 the person shall not be afforded the benefits of deferment of sentence or parole; provided, that
8 unless sentenced to life without the possibility of parole pursuant to subdivision (3) of this
9 subsection, a person sentenced to life under this section may be granted parole.

10 (b) Every person who, while committing an offense violating subsection (a) of this section,
11 discharges a firearm shall be guilty of a felony and be imprisoned as follows:

12 (1) Ten (10) years, if no injury to any other person results from the discharge;

13 (2) Twenty (20) years, if a person other than a police officer is injured by the discharge of
14 the firearm, or if a police officer who is engaged in the performance of his or her duty is deliberately
15 endangered by the person's discharge of the firearm;

16 (3) Life, if a police officer who is engaged in the performance of his or her duty is injured
17 by the discharge of the firearm; and

18 (4) Life, if the death or permanent incapacity of any person (other than the person
19 convicted) results from the discharge of the firearm; provided that, involuntary manslaughter shall
20 not be considered a "crime of violence" for the purpose of subdivision (b)(4) only.

21 (c) The penalties defined in subsection (b) of this section shall run consecutively, and not
22 concurrently, to any other sentence imposed and, notwithstanding the provisions of chapter 8 of
23 title 13, the person shall not be afforded the benefits of deferment of sentence or parole; provided,
24 that a person sentenced to life under subdivision (b)(3) or (b)(4) of this section may be granted
25 parole.

26 **11-47-42. Weapons other than firearms prohibited.**

27 (a)(1) No person shall carry or possess or attempt to use against another any instrument or
28 weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag, metal
29 knuckles, slap glove, bludgeon, ~~stun-gun~~, or the so called "Kung-Fu" weapons.

30 (2) No person shall with intent to use unlawfully against another, carry or possess a
31 crossbow, dagger, dirk, stiletto, sword-in-cane, bowie knife, or other similar weapon designed to
32 cut and stab another.

33 (3) No person shall wear or carry concealed upon his person, any of the above-mentioned
34 instruments or weapons, or any razor, or knife of any description having a blade of more than three

1 (3) inches in length measuring from the end of the handle where the blade is attached to the end of
2 the blade, or other weapon of like kind or description.

3 Any person violating the provisions of these subsections shall be punished by a fine of not
4 more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or both,
5 and the weapon so found shall be confiscated.

6 Any person violating the provisions of these subsections while he or she is incarcerated
7 within the confines of the adult correctional institutions shall be punished by a fine of not less than
8 one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment
9 for not less than one year nor more than five (5) years, or both, and the weapon so found shall be
10 confiscated.

11 (b) No person shall sell to a person under eighteen (18) years of age, without the written
12 authorization of the minor's parent or legal guardian, any stink bomb, blackjack, slingshot, bill,
13 sandclub, sandbag, metal knuckles, slap glove, bludgeon, ~~stungun~~, paint ball gun, so called "kung-
14 fu" weapons, dagger, dirk, stiletto, sword-in-cane, bowie knife, razor, or knife of any description
15 having a blade of more than three inches (3") in length as described in subsection (a) of this section,
16 or any multi-pronged star with sharpened edges designed to be used as a weapon and commonly
17 known as a Chinese throwing star, except that an individual who is actually engaged in the
18 instruction of martial arts and licensed under § 5-43-1 may carry and possess any multi-pronged
19 star with sharpened edges for the sole purpose of instructional use. Any person violating the
20 provisions of this subsection shall be punished by a fine of not less than one thousand dollars
21 (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment for not less than one
22 year nor more than five (5) years, or both, and the weapons so found shall be confiscated.

23 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 -- WEAPONS

1 This act would define "electric arm" as a handheld device that transmits an electric charge
2 from the device to a person, including a stun gun or a taser, subject to the various protections of
3 firearms and would remove stun gun from the list of prohibited weapons.

4 This act would take effect upon passage.

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