

2021 -- S 0406

LC001667

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators Seveney, Coyne, DiMario, Kallman, Acosta, Anderson, and Bell

Date Introduced: February 25, 2021

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-60.1 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is hereby amended to read as follows:

3 **11-47-60.1. Safe storage.**

4 (a) Nothing in this section shall be construed to reduce or limit any existing right to
5 purchase and own firearms and/or ammunition or to provide authority to any state or local agency
6 to infringe upon the privacy of any family, home or business except by lawful warrant.

7 (b) It shall be unlawful to store or keep any firearm in any place unless such weapon is
8 secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety
9 device, properly engaged so as to render such weapon inoperable by any person other than the
10 owner or other lawfully authorized user. For purposes of this section, such weapon shall not be
11 deemed stored or kept if carried by or under the control of the owner or other lawfully authorized
12 user. Violation of this subsection (b) shall be punished by a fine of not more than three thousand
13 dollars (\$3,000).

14 ~~(b)~~(c) A person who stores or leaves on premises under his or her control a loaded firearm
15 and who knows or reasonably should know that a child is likely to gain access to the firearm without
16 the permission of the child's parent or guardian, and the child obtains access to the firearm and
17 causes injury to himself or herself or any other person with the firearm, is guilty of the crime of
18 criminal storage of a firearm and, upon conviction, shall be fined not more than ~~one thousand~~
19 ~~dollars (\$1,000)~~ five thousand dollars (\$5,000) or imprisoned for not more than ~~one year~~ five (5)

1 years, or both. For purposes of this section, a "child" is defined as any person who has not attained
2 the age of ~~sixteen (16)~~ eighteen (18) years.

3 ~~(d)~~ ~~(e)~~ The provisions of subsection ~~(b)~~ (c) of this section shall not apply whenever any of
4 the following occurs:

5 (1) The child obtains the firearm as a result of an illegal entry of any premises by any
6 person or an illegal taking of the firearm from the premises of the owner without permission of the
7 owner;

8 (2) The firearm is kept in a locked container or in a location which a reasonable person
9 would believe to be secured;

10 (3) The firearm is carried on the person or within such a close proximity so that the
11 individual can readily retrieve and use the firearm as if carried on the person;

12 (4) The firearm is locked with a locking device;

13 (5) The child obtains or obtains and discharges the firearm in a lawful act of self-defense
14 or defense of another person;

15 (6) The person who keeps a loaded firearm on any premises which is under his or her
16 custody or control has no reasonable expectations, based on objective facts and circumstances, that
17 a child is likely to be present on the premises.

18 ~~(d)~~(e)(1) If the person who allegedly violated this section is the parent or guardian of a
19 child who is injured or who dies as the result of an accidental shooting, the attorney general's
20 ~~department~~ shall consider among other factors, the impact of the injury or death on the person who
21 has allegedly violated this section when deciding whether to prosecute an alleged violation.

22 (2) It is the intent of the general assembly that a parent or guardian of a child who is injured
23 or who dies of an accidental shooting shall be prosecuted only in those instances in which the parent
24 or guardian behaved in a grossly negligent manner.

25 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 creates a new offense and would make it a felony for the owner of any firearm to
2 store the firearm unlocked. Failure to store the firearm locked would subject the owner to a fine of
3 not more than three thousand dollars (\$3,000). If the owner of a firearm leaves it loaded and a child
4 gains access and causes injury then the owner can be subject to a penalty of up to five (5) years
5 imprisonment and/or a fine of not more than five thousand dollars (\$5,000).

6 This act would take effect upon passage.

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