

2018 -- H 7075

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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 semi-automatic weapon's trigger designed to fire one round
11 on the pull of the trigger and another round upon release of the trigger.

12 ~~(2)~~(4) "Crime of violence" means and includes any of the following crimes or an attempt
13 to commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or
14 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,
15 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
16 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
17 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
18 28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a
19 dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to

1 commit any offense punishable as a felony; upon any conviction of an offense punishable as a
2 felony offense under § 12-29-5.

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

9 ~~(4)~~(6) "Fugitive from justice" means any person who has fled from any state, territory,
10 the District of Columbia, or possession of the United States to avoid prosecution for a crime of
11 violence or to avoid giving testimony in any criminal proceeding.

12 ~~(5)~~(7) "Licensing authorities" means the board of police commissioners of a city or town
13 where the board has been instituted, the chief of police or superintendent of police of other cities
14 and towns having a regular organized police force, and, in towns where there is no chief of police
15 or superintendent of police, it means the town clerk who may issue licenses upon the
16 recommendation of the town sergeant, and it also means any other person or body duly authorized
17 by the city or town charter or by state law.

18 ~~(6)~~(8) "Machine gun" means any weapon which shoots, is designed to shoot, or can be
19 readily restored to shoot automatically more than one shot, without manual reloading, by a single
20 function of the trigger. The term also includes the frame or receiver of the weapon, any
21 combination of parts designed and intended for use in converting a weapon into a machine gun,
22 and any combination of parts from which a machine gun can be assembled if the parts are in the
23 possession or under the control of a person.

24 ~~(7)~~(9) "Person" includes an individual, partnership, firm, association, or corporation.

25 ~~(8)~~(10) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon
26 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver
27 designed for the use of blank cartridges only.

28 (11) "Rapid fire device" means any device, part, accessory or attachment designed to
29 accelerate the rate of fire of a semi-automatic weapon to include, but not limited to, a bump fire
30 stock, a binary trigger, or a trigger crank.

31 ~~(9)~~(12) "Sawed-off rifle" means any rifle with overall length of less than twenty-six
32 inches (26") and/or barrel length of less than sixteen inches (16").

33 ~~(10)~~(13) "Sawed-off shotgun" means any shotgun with overall length of less than
34 twenty-six inches (26") and/or barrel length of less than eighteen inches (18").

1 ~~(14)~~(14) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
2 accept, and borrow, and "purchasing" shall be construed accordingly.

3 (15) "Semi-automatic weapon" means any semi-automatic rifle, carbine, pistol or
4 shotgun.

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

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

9 **11-47-8.1. Rapid fire devices.**

10 (a) It shall be unlawful for any person within this state to import, manufacture, transfer,
11 sell or possess any rapid fire device or any part, combination of parts, components, attachments or
12 accessory designed to function as a rapid fire device. Every person violating the provision of this
13 subsection shall, upon conviction, be punished by imprisonment for not less than one year nor
14 more than ten (10) years, or by a fine up to ten thousand dollars (\$10,000), or both, and except for
15 a first conviction under this section shall not be afforded the provisions of suspension or
16 deferment of sentence, nor of probation.

17 (b) It shall be unlawful for any person within this state to discharge or shoot a semi-
18 automatic weapon with an attached rapid fire device. Every person violating the provision of this
19 subsection shall, upon conviction, be punished by imprisonment for not less than two (2) years
20 nor more than ten (10) years, or by fine up to ten thousand dollars (\$10,000), or both, and except
21 for a first conviction under this section shall not be afforded the provisions of suspension or
22 deferment of sentence, nor of probation.

23 (c) This section shall not apply to the purchase of any such device by the Rhode Island
24 state police, by any city or town police department of the state of Rhode Island, or by the
25 department of environmental management for display as a part of a firearms training course under
26 its auspices.

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

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

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would make possession or use of a semi-automatic weapon rapid fire devices
2 including bump stocks, binary triggers or trigger cranks punishable by up to ten (10) years
3 imprisonment and/or a ten thousand dollars (\$10,000) fine.

4 This act would take effect upon passage.

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