

2019 -- H 5022

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Diaz, Slater, Tobon, Blazejewski, and Maldonado

Date Introduced: January 04, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-8, 11-47-9 and 11-47-30 of the General Laws in Chapter 11-
2 47 entitled "Weapons" are hereby amended to read as follows:

3 **11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**

4 (a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-
5 12, and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her
6 person whether visible or concealed, except in his or her dwelling house or place of business or
7 on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of
8 these sections shall not apply to any person who is the holder of a valid license or permit issued
9 by the licensing authority of another state, or territory of the United States, or political
10 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any
11 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the
12 person is merely transporting the firearm through the state in a vehicle or other conveyance
13 without any intent on the part of the person to detain him or herself or remain within the state of
14 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as
15 otherwise provided in this chapter. Every person violating the provision of this section shall, upon
16 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by
17 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this
18 section, shall not be afforded the provisions of suspension or deferment of sentence, nor a
19 probation.

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

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

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

20 (e) No person shall carry a rifle or shotgun in any vehicle or conveyance or on or about
21 the person whether visible or concealed, except in the persons dwelling house or place of business
22 or on land possessed by the person. Every person violating the provisions of this subsection shall,
23 upon conviction, be punished by imprisonment for not less than one nor more than ten (10) years,
24 or by a fine up to ten thousand dollars (\$10,000), or both, except on a first conviction under this
25 section, the person shall not be eligible for a suspended or deferred sentence or probation. This
26 subsection shall not apply to those persons engaged in lawful hunting activity as provided in
27 chapter 13 of title 20, lawful target shooting within this state or otherwise exempt pursuant to §
28 11-47-9.

29 **11-47-9. Persons exempt from restrictions.**

30 (a) The provisions of § 11-47-8 shall not apply to sheriffs; deputy sheriffs; the
31 superintendent and members of the state police; members of the Rhode Island airport police
32 department; members of the Rhode Island state marshals; Rhode Island state fire marshal; chief
33 deputy state fire marshals; deputy state fire marshals assigned to the bomb squad, and those
34 assigned to the investigation unit; Providence fire department arson investigators, provided that

1 the investigator receiving the permit is a graduate of a police-training academy; correctional
2 officers, within the department of corrections; members of the city or town police force; capitol
3 police investigators of the department of attorney general appointed pursuant to § 42-9-8.1; the
4 witness protection coordinator for the witness protection review board as set forth in chapter 30
5 of title 12 and subject to the minimum qualifications of § 42-9-8.1; automobile theft investigators
6 of the Rhode Island state police pursuant to § 31-50-1; railroad police while traveling to and from
7 official assignments or while on assignments; conservation officers; or other duly appointed law
8 enforcement officers; nor to members of the Army, Navy, Air Force, and Marine Corps of the
9 United States, the National Guard, or organized reserves, when on duty; nor to members of
10 organizations by law authorized to purchase or receive firearms from the United States or this
11 state, provided these members are at, or going to or from, their places of assembly or target
12 practice; nor to officers or employees of the United States authorized by law to carry a concealed
13 firearm; nor to any civilian guard or criminal investigator carrying sidearms or a concealed
14 firearm in the performance of his or her official duties under the authority of the commanding
15 officer of the military establishment in the state of Rhode Island where he or she is employed by
16 the United States; nor to any civilian guard carrying sidearms or a concealed firearm in the
17 performance of his or her official duties under the authority of the adjutant general where he or
18 she is employed guarding a national guard facility, provided, that the commanding officer of the
19 military establishment shall have on file with the attorney general of this state a list of the names
20 and addresses of all civilian guards and criminal investigators so authorized; nor to duly
21 authorized military organizations when on duty; nor to members when at, or going to or from,
22 their customary places of assembly; nor to any individual employed in the capacity of warden,
23 associate warden, major, captain, lieutenant, sergeant, correctional officer or investigator at any
24 project owned or operated by a municipal detention facility corporation, including the Donald W.
25 Wyatt Detention Facility; nor to the regular and/or ordinary transportation of pistols, ~~or~~ revolvers,
26 rifles or shotguns as merchandise; nor to any person while transporting a pistol, ~~or~~ revolvers,
27 rifles or shotguns unloaded from the place of purchase to their residence; or place of business,
28 from their residence to their place of business or from their place of business to their residence, or
29 to a federal firearms licensee for the purpose of sale, to or from a bona fide gunsmith, or firearms
30 repair facility, to any police station or other location designated as a site of a bona fide "gun buy-
31 back" program, but only if said pistol, ~~or~~ revolver, rifle or shotgun is unloaded and any
32 ammunition for said pistol, ~~or~~ revolver, rifle or shotgun is not readily or directly accessible from
33 the passenger compartment of such vehicle while transporting same and further provided, that in
34 the case of a vehicle without a compartment separate from the passenger compartment, the

1 firearm or the ammunition shall be stored in a locked container.

2 (b) Persons exempted by the provisions of this section from the provisions of § 11-47-8
3 shall have the right to carry concealed firearms everywhere within this state; provided, that this
4 shall not be construed as giving the right to carry concealed firearms to a person transporting
5 firearms as merchandise or as household or business goods.

6 **11-47-30. Sale, transfer or delivery of firearms to minors.**

7 (a) It shall be unlawful within this state for any person to sell, transfer, give, convey, or
8 cause to be sold, transferred, given or conveyed any firearm to any person under eighteen (18)
9 years of age, when the person knows or has reason to know that the recipient is under eighteen
10 (18) years of age, except for the limited purposes set forth in §§ 11-47-33 and 11-47-34 and with
11 the prior approval or consent of the parent or legal guardian of the minor.

12 (b) Every person violating subsection (a) of this section shall be punished, upon
13 conviction, by imprisonment for not less than ten (10) years and not more than twenty (20) years.
14 The prohibitions of this section shall not apply to any federally and state licensed retail dealer
15 who makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of an air
16 rifle, air pistol, "blank gun" or "BB gun."

17 (c) If the firearm unlawfully sold, transferred, given, conveyed, or caused to be sold,
18 transferred, given or conveyed to any person under eighteen (18) years of age is used in a crime
19 of violence, the person found in violation of subsection (a) of this section, upon conviction, shall
20 be punished by imprisonment of not less than fifteen (15) years. The sentence shall be
21 consecutive to any sentence the person may receive for committing the underlying offense as set
22 forth in subsection (a) of this section.

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES - WEAPONS

1 This act would make it unlawful for any person to carry a rifle or shotgun in any vehicle
2 or conveyance or on or about their person whether visible or concealed subject to certain
3 exceptions.

4 The act would also provide an enhanced penalty to those who unlawfully sold,
5 transferred, gave, conveyed, or caused to be sold, transferred, given or conveyed to any person
6 under eighteen (18) years of age who used that firearm in a crime of violence.

7 This act would take effect upon passage.

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