

2019 -- H 5767

LC001374

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Lima, Casey, Ucci, Solomon, and Craven

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-2 and 11-47-42 of the General Laws in Chapter 11-47
2 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) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
6 § 921.

7 (2) "Binary trigger" means a device that replaces a standard trigger on a semi-automatic
8 weapon and is designed to fire one round on the pull of the trigger and another round upon release
9 of the trigger.

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

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

10 (6) "Fugitive from justice" means any person who has fled from any state, territory, the
11 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 (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 (8) "Machine gun" means any weapon that shoots, is designed to shoot, or can be readily
20 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 (9) "Person" includes an individual, partnership, firm, association, or corporation.

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

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

33 (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 (15) "Stun gun" means any mechanism that is:

4 (i) Designed to emit an electronic, magnetic, or other type of charge that equals or does
5 not exceed the equivalency of a five (5) milliamp sixty (60) hertz shock; and

6 (ii) Used for the purpose of temporarily incapacitating a person for self-defense.

7 (16) "Taser" means any mechanism that, through the use of compressed nitrogen gas as
8 the propellant, is:

9 (i) Designed to emit an electronic, magnetic, or other type of charge or shock through the
10 use of a projectile; and

11 (ii) Used for the purpose of temporarily incapacitating a person for self-defense.

12 **11-47-42. Weapons other than firearms prohibited.**

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

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

19 (3) No person shall wear or carry concealed upon his person, any of the above-mentioned
20 instruments or weapons, or any razor, or knife of any description having a blade of more than
21 three (3) inches in length measuring from the end of the handle where the blade is attached to the
22 end of the blade, or other weapon of like kind or description.

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

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

31 (b) No person shall sell to a person under eighteen (18) years of age, without the written
32 authorization of the minor's parent or legal guardian, any stink bomb, blackjack, slingshot, bill,
33 sandclub, sandbag, metal knuckles, slap glove, bludgeon, ~~stungun~~, paint ball gun, so called
34 "kung-fu" weapons, dagger, dirk, stiletto, sword-in-cane, bowie knife, razor, or knife of any

1 description having a blade of more than three inches (3") in length as described in subsection (a)
2 of this section, or any multi-pronged star with sharpened edges designed to be used as a weapon
3 and commonly known as a Chinese throwing star, except that an individual who is actually
4 engaged in the instruction of martial arts and licensed under § 5-43-1 may carry and possess any
5 multi-pronged star with sharpened edges for the sole purpose of instructional use. Any person
6 violating the provisions of this subsection shall be punished by a fine of not less than one
7 thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment for
8 not less than one year nor more than five (5) years, or both, and the weapons so found shall be
9 confiscated.

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

12 **11-47-64. Stun guns - Tasers - Possession and sale permitted.**

13 (a) Any person eighteen (18) years of age or older may purchase, carry, or possess a stun
14 gun.

15 (b) Any person eighteen (18) years of age or older may purchase or possess a taser.

16 (c) In order for a person eighteen (18) years of age or older to carry a taser, they must
17 have a permit to carry a taser issued by the department of the attorney general and also must:

18 (1) Pass a national criminal background check;

19 (2) Pass a certified manufacturer's taser safety course and obtain a certificate showing
20 completion;

21 (3) Any person carrying a taser without fulfilling the requirements of subsections (c)(1)
22 and (c)(2) of this section shall be punishable by a fine of up to one thousand dollars (\$1,000), or
23 imprisonment for a term of up to six (6) months, or both.

24 (d) The following persons shall be issued basic taser permits by the department of
25 attorney general: sheriffs, deputy sheriffs, the superintendent and members of the state police,
26 prison or jail wardens or their deputies, members of the city or town police force, members of the
27 park police, conservation officers, members of the airport police and officers of the United States
28 government authorized by law to carry a concealed firearm and, at the discretion of the
29 department of environmental management, any person who can satisfactorily establish that he or
30 she formerly held one of these offices or were so authorized.

31 (f) Any person who is serving in the Army, Navy, Air Force, Marine Corps or Coast
32 Guard on active duty shall not be required to obtain a basic taser safety certificate or basic taser
33 permit under this section so long as he or she remains on active duty.

34 (g) Any person who is serving in the active reserve components of the Army, Navy, Air

1 Force, Marine Corps or Coast Guard, or any person in an active duty paid status in the Rhode
2 Island National Guard, shall not be required to obtain a basic taser safety certificate under this
3 section so long as he or she remains in active status.

4 SECTION 3. 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 permit the sale and use of stun guns by persons eighteen (18) years of age
2 or older. This act would also permit the use of tasers by persons eighteen (18) years of age or
3 older upon successful completion of a taser safety course, and receipt of a permit to carry a taser
4 issued by the department of the attorney general.

5 This act would take effect upon passage.

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