

2019 -- H 5884 SUBSTITUTE A AS AMENDED

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LC002202/SUB A/3
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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 Lima, Solomon, Ucci, Corvese, and Casey

Date Introduced: March 21, 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, or longbows, and
7 except instruments propelling projectiles that are designed or normally used for a primary
8 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a
9 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) "Stun gun" means a battery-powered handheld device that transmits an electric
2 charge from the device to a person, while touching or applying the device to a person, and is
3 activated by a trigger or button.

4 ~~(14)~~(15) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-
5 automatic weapon and causes the weapon to fire by turning the crank handle.

6 **11-47-42. Weapons other than firearms prohibited.**

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

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

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

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

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

25 (b) No person shall sell to a person under eighteen (18) years of age, without the written
26 authorization of the minor's parent or legal guardian, any stink bomb, blackjack, slingshot, bill,
27 sandclub, sandbag, metal knuckles, slap glove, bludgeon, ~~stungun~~, paint ball gun, so called
28 "kung-fu" weapons, dagger, dirk, stiletto, sword-in-cane, bowie knife, razor, or knife of any
29 description having a blade of more than three inches (3") in length as described in subsection (a)
30 of this section, or any multi-pronged star with sharpened edges designed to be used as a weapon
31 and commonly known as a Chinese throwing star, except that an individual who is actually
32 engaged in the instruction of martial arts and licensed under § 5-43-1 may carry and possess any
33 multi-pronged star with sharpened edges for the sole purpose of instructional use. Any person
34 violating the provisions of this subsection shall be punished by a fine of not less than one

1 thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment for
2 not less than one year nor more than five (5) years, or both, and the weapons so found shall be
3 confiscated.

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

6 **11-47-8.2. Purchase, possession, sale or use of stun gun.**

7 (a) Any person twenty-one (21) years of age or over may purchase or possess a stun gun.

8 (b) No person shall sell or attempt to sell, transfer, deliver or furnish a stun gun to a
9 person who is less than twenty-one (21) years of age. Any person convicted of violating the
10 provisions of this subsection shall be guilty of a felony and may be punished by imprisonment for
11 not less than one year nor more than five (5) years.

12 (c) No person shall use or attempt to use a stun gun in the commission of a crime. Any
13 person convicted of violating the provisions of this subsection shall be guilty of a felony and may
14 be punished by a fine of up to ten thousand dollars (\$10,000), or by imprisonment for not more
15 than ten (10) years, or both.

16 (d) No person shall use or attempt to use a stun gun on a police officer who is engaged in
17 the performance of his or her duty. Any person convicted of violating the provisions of this
18 subsection shall be guilty of a felony and may be punished by a fine of up to ten thousand dollars
19 (\$10,000), or by imprisonment for not more than ten (10) years, or both. Any sentence imposed
20 upon a person pursuant to this subsection shall be imposed consecutively to and not concurrently
21 with any sentence imposed for the underlying crime or attempted crime, and the person shall not
22 be afforded the benefits of suspension or deferment of sentence.

23 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 make the possession and ownership of stun guns by persons twenty-one
2 (21) years of age and older legal, and would provide that: (1) The sale or transfer of a stun gun to
3 persons less than twenty-one (21) years; (2) The use in the commission of a crime; or (3) The use
4 on a police officer in performance of his or her duty, would be a felony.

5 This act would take effect upon passage.

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