

2020 -- H 7911

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LC005154  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY -  
CAUSES OF ACTION

Introduced By: Representatives Roberts, Place, Quattrocchi, Chippendale, and Price

Date Introduced: February 26, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby  
2 amended by adding thereto the following section:

3 **9-1-55. Civil liability of individual or entity that prohibits the possession of firearms.**

4 (a) Whenever any person who owns a firearm, and is authorized and licensed to carry a  
5 firearm, shall suffer any injury to his or her person or death, suffer physical, emotional and/or  
6 mental distress, incur economic loss or expense, property damage or any other compensable loss  
7 as a result of conduct occurring on real property with a written notice prohibiting the possession of  
8 firearms, may recover his or her damages for the injury or death, physical, emotional and/or mental  
9 distress, economic loss or expense, property damage or any other compensable loss, in a civil action  
10 against the individual or entity that owns the real property that prohibits the possession of firearms.

11 (b) The cause of action set forth in subsection (a) of this section shall extend to the conduct  
12 of other invitees, trespassers, employees of the person or entity, vicious animals, wild animals, and  
13 defensible man-made and natural hazards.

14 (c) The statute of limitations for the cause of action set forth in subsection (a) of this section  
15 shall be two (2) years from the date of the occurrence of the conduct which gave rise to any  
16 damages.

17 (d) To prevail in a cause of action brought under this section, the plaintiff must show by a  
18 preponderance of the evidence that:

1           (1) The plaintiff owned a firearm, was authorized and licensed to carry a firearm or was  
2 not prohibited from carrying a firearm at the time of the incident giving rise to the action;

3           (2) The plaintiff did not carry the firearm on the property where the incident occurred  
4 because of the written notice prohibiting the possession of firearms;

5           (3) The injury, death, physical, emotional and/or mental distress, economic loss or expense,  
6 property damage or other compensable loss was caused as a result of the conduct that occurred on  
7 the real property and could have been avoided if the plaintiff was authorized to carry his or her  
8 firearm onto the real property; and

9           (4) The person or entity exercising control over the real property was not required by state  
10 or federal law to post the notice prohibiting the possession of firearms, but posted the notice by  
11 choice of that individual or entity.

12           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 COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY -  
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1           This act would provide for a cause of action against an individual or entity that prohibits  
2 the possession of firearms on real property by an individual that is authorized and licensed to carry  
3 a firearm. The cause of action would allow the injured individual to recover for injury to his or her  
4 person, death, physical, emotional and/or mental distress, economic loss or expense, property  
5 damage or any other compensable loss as a result of conduct occurring on the real property that  
6 prohibits the possession of firearms.

7           This act would take effect upon passage.

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