

2021 -- H 5973

LC000995

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Phillips, Chippendale, Quattrocchi, and Corvese

Date Introduced: February 26, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-9 of the General Laws in Chapter 11-47 entitled "Weapons" is
2 hereby amended to read as follows:

3 **11-47-9. Persons exempt from restrictions.**

4 (a) The provisions of § 11-47-8 shall not apply to sheriffs; deputy sheriffs; the
5 superintendent and members of the state police; members of the Rhode Island airport police
6 department; members of the Rhode Island state marshals; Rhode Island state fire marshal; chief
7 deputy state fire marshals; deputy state fire marshals assigned to the bomb squad, and those
8 assigned to the investigation unit; Providence fire department arson investigators, provided that the
9 investigator receiving the permit is a graduate of a police-training academy; correctional officers,
10 within the department of corrections; members of the city or town police force; capitol police
11 investigators of the department of attorney general appointed pursuant to § 42-9-8.1; the witness
12 protection coordinator for the witness protection review board as set forth in chapter 30 of title 12
13 and subject to the minimum qualifications of § 42-9-8.1; automobile theft investigators of the
14 Rhode Island state police pursuant to § 31-50-1; railroad police while traveling to and from official
15 assignments or while on assignments; conservation officers; or other duly appointed law
16 enforcement officers; nor to members of the Army, Navy, Air Force, and Marine Corps of the
17 United States, the National Guard, or organized reserves, when on duty; nor to members of
18 organizations by law authorized to purchase or receive firearms from the United States or this state,
19 provided these members are at, or going to or from, their places of assembly or target practice; nor

1 to officers or employees of the United States authorized by law to carry a concealed firearm; nor to
2 any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the
3 performance of his or her official duties under the authority of the commanding officer of the
4 military establishment in the state of Rhode Island where he or she is employed by the United
5 States; nor to any civilian guard carrying sidearms or a concealed firearm in the performance of his
6 or her official duties under the authority of the adjutant general where he or she is employed
7 guarding a national guard facility, provided, that the commanding officer of the military
8 establishment shall have on file with the attorney general of this state a list of the names and
9 addresses of all civilian guards and criminal investigators so authorized; nor to duly authorized
10 military organizations when on duty; nor to members when at, or going to or from, their customary
11 places of assembly; nor to any individual employed in the capacity of warden, associate warden,
12 major, captain, lieutenant, sergeant, correctional officer or investigator at any project owned or
13 operated by a municipal detention facility corporation, including the Donald W. Wyatt Detention
14 Facility; nor to the regular and/or ordinary transportation of pistols or revolvers as merchandise;
15 nor to any person while transporting a pistol, or revolvers, unloaded from the place of purchase to
16 their residence; or place of business, from their residence to their place of business or from their
17 place of business to their residence, or to a federal firearms licensee for the purpose of sale, to or
18 from a bona fide gunsmith, or firearms repair facility, to any police station or other location
19 designated as a site of a bona fide "gun buy-back" program, but only if said pistol or revolver is
20 unloaded and any ammunition for said pistol or revolver is not readily or directly accessible from
21 the passenger compartment of such vehicle while transporting same and further provided, that in
22 the case of a vehicle without a compartment separate from the passenger compartment, the firearm
23 or the ammunition shall be stored in a locked container.

24 (b) The provisions of § 11-47-8 shall not apply to any person who carries a concealed or
25 non-concealed weapon, or a person who may lawfully possess a firearm and who carries a
26 concealed or non-concealed firearm, on or about their person while in the act of evacuating during
27 a mandatory evacuation order during a state of emergency declared by the governor pursuant to §
28 30-15-9 or by a local authority pursuant to § 30-15-12. As used in this section, the term "in the act
29 of evacuating" shall mean the immediate and urgent movement of a person or persons away from
30 the evacuation zone within forty-eight (48) hours after a mandatory evacuation is ordered. The
31 forty-eight (48) hour period may be extended pursuant to the powers granted to the governor or
32 local authorities pursuant to chapter 15 of title 30.

33 ~~(b)~~(c) Persons exempted by the provisions of this section from the provisions of § 11-47-8
34 shall have the right to carry concealed firearms everywhere within this state; provided, that this

1 shall not be construed as giving the right to carry concealed firearms to a person transporting
2 firearms as merchandise or as household or business goods.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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- 1 This act would permit the open and concealed carry of weapons by any person in the act
- 2 of evacuating pursuant to an order of the governor or local authority under chapter 15 of title 30.
- 3 This act would take effect upon passage.

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