

2013 -- H 6160

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representative Larry Valencia

Date Introduced: May 23, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3           **11-47-2. Definitions. --** When used in this chapter, the following words and phrases are  
4 construed as follows:

5           (1) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.  
6 section 921.

7           (2) "Crime of violence" means and includes any of the following crimes or an attempt to  
8 commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or  
9 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,  
10 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or  
11 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a  
12 controlled substance classified in schedule I or schedule II of section 21-28-2.08, any violation of  
13 section 21-28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes,  
14 assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault  
15 with intent to commit any offense punishable as a felony; upon any conviction of an offense  
16 punishable as a felony offense under section 12-29-5.

17           (3) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun,"  
18 "BB gun," or other instrument from which steel or metal projectiles are propelled, or which may  
19 readily be converted to expel a projectile, except recurve, compound, or longbows, and except

1 instruments propelling projectiles which are designed or normally used for a primary purpose  
2 other than as a weapon. The frame or receiver of the weapon shall be construed as a firearm under  
3 the provisions of this section.

4 (4) "Fugitive from justice" means any person who has fled from any state, territory, the  
5 District of Columbia, or possession of the United States to avoid prosecution for a crime of  
6 violence or to avoid giving testimony in any criminal proceeding.

7 (5) "Licensing authorities" means the board of police commissioners of a city or town  
8 where the board has been instituted, the chief of police or superintendent of police of other cities  
9 and towns having a regular organized police force, and, in towns where there is no chief of police  
10 or superintendent of police, it means ~~the town clerk who may issue licenses upon the~~  
11 ~~recommendation of the town sergeant, and it also means~~ any other person or body duly authorized  
12 by the city or town charter or by state law.

13 (6) "Machine gun" means any weapon which shoots, is designed to shoot, or can be  
14 readily restored to shoot automatically more than one shot, without manual reloading, by a single  
15 function of the trigger. The term also includes the frame or receiver of the weapon, any  
16 combination of parts designed and intended for use in converting a weapon into a machine gun,  
17 and any combination of parts from which a machine gun can be assembled if the parts are in the  
18 possession or under the control of a person.

19 (7) "Person" includes an individual, partnership, firm, association, or corporation.

20 (8) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon  
21 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver  
22 designed for the use of blank cartridges only.

23 (9) "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches  
24 (26") and/or barrel length of less than sixteen inches (16").

25 (10) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-six  
26 inches (26") and/or barrel length of less than eighteen inches (18").

27 (11) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,  
28 accept, and borrow, and "purchasing" shall be construed accordingly.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would amend the definition of “licensing authorities” for purposes of this  
2 chapter, by removing city or town clerks as the licensing authority for a city or town where there  
3 is no chief of police or superintendent of police.

4           This act would take effect upon passage.

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