

2018 -- H 7163

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Lancia, Lima, Handy, Jacquard, and McNamara

Date Introduced: January 12, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-2 and 11-47-8 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) "Bump stock" means any device for a weapon that increases the rate of fire achievable
8 with such weapon by using energy from the recoil of the weapon to generate a reciprocating
9 action that facilitates repeated activation of the trigger.

10 ~~(2)~~(3) "Crime of violence" means and includes any of the following crimes or an attempt
11 to commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or
12 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,
13 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
14 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
15 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
16 28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a
17 dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to
18 commit any offense punishable as a felony; upon any conviction of an offense punishable as a
19 felony offense under § 12-29-5.

1 ~~(3)~~(4) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun,"
2 "BB gun," or other instrument from which steel or metal projectiles are propelled, or which may
3 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,
4 and except instruments propelling projectiles which are designed or normally used for a primary
5 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a
6 firearm under the provisions of this section.

7 ~~(4)~~(5) "Fugitive from justice" means any person who has fled from any state, territory,
8 the District of Columbia, or possession of the United States to avoid prosecution for a crime of
9 violence or to avoid giving testimony in any criminal proceeding.

10 ~~(5)~~(6) "Licensing authorities" means the board of police commissioners of a city or town
11 where the board has been instituted, the chief of police or superintendent of police of other cities
12 and towns having a regular organized police force, and, in towns where there is no chief of police
13 or superintendent of police, it means the town clerk who may issue licenses upon the
14 recommendation of the town sergeant, and it also means any other person or body duly authorized
15 by the city or town charter or by state law.

16 ~~(6)~~(7) "Machine gun" means any weapon which shoots, is designed to shoot, or can be
17 readily restored to shoot automatically more than one shot, without manual reloading, by a single
18 function of the trigger. The term also includes the frame or receiver of the weapon, any
19 combination of parts designed and intended for use in converting a weapon into a machine gun,
20 and any combination of parts from which a machine gun can be assembled if the parts are in the
21 possession or under the control of a person.

22 ~~(7)~~(8) "Person" includes an individual, partnership, firm, association, or corporation.

23 ~~(8)~~(9) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon
24 with overall length less than twenty-six inches (26"), but does not include any pistol or revolver
25 designed for the use of blank cartridges only.

26 ~~(9)~~(10) "Sawed-off rifle" means any rifle with overall length of less than twenty-six
27 inches (26") and/or barrel length of less than sixteen inches (16").

28 ~~(10)~~(11) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-
29 six inches (26") and/or barrel length of less than eighteen inches (18").

30 ~~(11)~~(12) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
31 accept, and borrow, and "purchasing" shall be construed accordingly.

32 (13) "Trigger crank" means any device attached to a weapon that repeatedly activates the
33 trigger of the weapon through the use of a lever or other part that is turned in a circular motion;
34 provided that "trigger crank" shall not include any weapon initially designed and manufactured to

1 [fire through the use of a crank or lever.](#)

2 **11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**

3 (a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-
4 12 and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her
5 person whether visible or concealed, except in his or her dwelling house or place of business or
6 on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of
7 these sections shall not apply to any person who is the holder of a valid license or permit issued
8 by the licensing authority of another state, or territory of the United States, or political
9 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any
10 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the
11 person is merely transporting the firearm through the state in a vehicle or other conveyance
12 without any intent on the part of the person to detain him or herself or remain within the state of
13 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as
14 otherwise provided in this chapter. Every person violating the provision of this section shall, upon
15 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by
16 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this
17 section shall not be afforded the provisions of suspension or deferment of sentence, nor a
18 probation.

19 (b) No person shall have in his or her possession or under his or her control any sawed-
20 off shotgun or sawed-off rifle as defined in § 11-47-2. Any person convicted of violating this
21 subsection shall be punished by imprisonment for up to ten (10) years, or by a fine of up to five
22 thousand dollars (\$5,000), or both.

23 (c) No person shall have in his or her possession or under his or her control any firearm
24 while the person delivers, possesses with intent to deliver, or manufactures a controlled
25 substance. Any person convicted of violating this subsection shall be punished by imprisonment
26 for not less than two (2) years nor more than twenty (20) years, and the sentence shall be
27 consecutive to any sentence the person may receive for the delivery, possession with intent to
28 deliver, or the manufacture of the controlled substance. It shall not be a defense to a violation of
29 this subsection that a person has a license or permit to carry or possess a firearm.

30 [\(d\) No person shall possess, transfer, purchase, sell or transfer any weapon that is](#)
31 [equipped with a bump stock or trigger crank. Any person convicted of violating this subsection](#)
32 [shall be punished by imprisonment for up to ten \(10\) years or by a fine of up to five thousand](#)
33 [dollars \(\\$5,000\), or both.](#)

1 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 define bump stock and trigger crank and would make possession of any
- 2 firearm equipped with either device a felony punishable by up to ten (10) years imprisonment.
- 3 This act would take effect upon passage.

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