

2018 -- S 2144

=====  
LC003740  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

—————  
A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senators Archambault, Lombardi, and Lombardo

Date Introduced: January 23, 2018

Referred To: Senate 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.**

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) "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 § 21-28-2.08, any violation of § 21-  
13 28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a  
14 dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to  
15 commit any offense punishable as a felony; upon any conviction of an offense punishable as a  
16 felony offense under § 12-29-5.

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

1 and except instruments propelling projectiles which are designed or normally used for a primary  
2 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a  
3 firearm under 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 with  
21 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 (12) "Firearm silencer" shall mean any device for silencing, muffling or diminishing the  
30 report of a portable firearm, including any combination of parts, designed or redesigned, and  
31 intended for the use in assembling or fabricating a firearm silencer or firearm muffler.

32 SECTION 2. Section 11-47-20 of the General Laws in Chapter 11-47 entitled "Weapons"  
33 is hereby amended to read as follows:

34 **11-47-20. ~~Sale or possession of silencers.~~ Sale and possession of silencers.**

1           It shall be unlawful within this state to manufacture, sell, purchase, or possess and/or use  
2 a firearm, with an overall length of less than seventeen inches (17"), which has attached any  
3 muffler, silencer, or device for deadening or muffling the sound of ~~a~~ the firearm when discharged.  
4 Violations of this section shall be punished by imprisonment for not less than one year and one  
5 day.

6           SECTION 3. Chapter 20-13 of the General Laws entitled "Hunting and Hunting Safety"  
7 is hereby amended by adding thereto the following section:

8           **20-13-18. Hunting with a silencer.**  
9           An individual in lawful possession of a device that will silence, suppress or muffle the  
10 sound or natural report of a rifle or shotgun when the rifle or shotgun is discharged may use such  
11 a device to hunt any game for which the individual is licensed, provided that the rifle or shotgun  
12 to which the device is attached has an overall length of seventeen inches (17") or greater.

13           SECTION 4. This act shall take effect upon passage.

=====  
LC003740  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL OFFENSES - WEAPONS

\*\*\*

1           This act would define a firearm silencer and permit the use of such a device on any  
2 firearm with an overall length of seventeen inches (17") or greater and would permit the use of  
3 such a device for lawful hunting activity.

4           This act would take effect upon passage.

=====  
LC003740  
=====