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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 CRIMINAL OFFENSES - WEAPONS

Introduced By: Representatives Serpa, Ackerman, Caldwell, McKiernan, and Speakman

Date Introduced: January 10, 2020

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.**

4 When used in this chapter, the following words and phrases are construed as follows:

5 (1) "3D printing process" means 3D printing or additive manufacturing which is a  
6 process of making three (3) dimensional solid objects from a computer file and shall include any  
7 of various processes in which material is joined or solidified under computer control to create a  
8 three (3) dimensional object, with material being added together including liquid molecules, or  
9 powder grains.

10 ~~(1)~~(2) "Antique firearm" is defined as that term is defined under the provisions of 18  
11 U.S.C. § 921.

12 ~~(2)~~(3) "Binary trigger" means a device that replaces a standard trigger on a semi-  
13 automatic weapon and is designed to fire one round on the pull of the trigger and another round  
14 upon release of the trigger.

15 ~~(3)~~(4) "Bump-fire stock" means any device that replaces a semi-automatic weapon's  
16 standard stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to  
17 rapidly fire the weapon.

18 ~~(4)~~(5) "Crime of violence" means and includes any of the following crimes or an attempt  
19 to commit any of them: murder, manslaughter, rape, first- or second-degree sexual assault, first-

1 or second-degree child molestation, kidnapping, first- and second-degree arson, mayhem,  
2 robbery, burglary, breaking and entering, any felony violation involving the illegal manufacture,  
3 sale, or delivery of a controlled substance, or possession with intent to manufacture, sell, or  
4 deliver a controlled substance classified in schedule I or schedule II of § 21-28-2.08, any  
5 violation of § 21-28-4.01.1 or § 21-28-4.01.2 or conspiracy to commit any violation of these  
6 statutes, assault with a dangerous weapon, assault or battery involving grave bodily injury, or  
7 assault with intent to commit any offense punishable as a felony; upon any conviction of an  
8 offense punishable as a felony offense under § 12-29-5.

9 ~~(5)~~(6) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun",  
10 "BB gun", or other instrument from which steel or metal projectiles are propelled, or that may  
11 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,  
12 and except instruments propelling projectiles that are designed or normally used for a primary  
13 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a  
14 firearm under the provisions of this section.

15 ~~(6)~~(7) "Fugitive from justice" means any person who has fled from any state, territory,  
16 the District of Columbia, or possession of the United States to avoid prosecution for a crime of  
17 violence or to avoid giving testimony in any criminal proceeding.

18 (8) "Ghost gun" means a firearm, including a frame or receiver, that lacks a unique serial  
19 number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer or  
20 importer under federal law. It does not include a firearm that has been rendered permanently  
21 inoperable or a firearm that is not required to have a serial number in accordance with the Federal  
22 Gun Control Act of 1968.

23 ~~(7)~~(9) "Licensing authorities" means the board of police commissioners of a city or town  
24 where the board has been instituted, the chief of police or superintendent of police of other cities  
25 and towns having a regular organized police force, and, in towns where there is no chief of police  
26 or superintendent of police, it means the town clerk who may issue licenses upon the  
27 recommendation of the town sergeant, and it also means any other person or body duly authorized  
28 by the city or town charter or by state law.

29 ~~(8)~~(10) "Machine gun" means any weapon that shoots, is designed to shoot, or can be  
30 readily restored to shoot automatically more than one shot, without manual reloading, by a single  
31 function of the trigger. The term also includes the frame or receiver of the weapon, any  
32 combination of parts designed and intended for use in converting a weapon into a machine gun,  
33 and any combination of parts from which a machine gun can be assembled if the parts are in the  
34 possession or under the control of a person.

1 (11) "Major component" means, with respect to a firearm:

2 (i) The slide or cylinder or the frame or receiver of the firearm; and

3 (ii) In the case of a rifle or shotgun, includes the barrel of the firearm.

4 ~~(9)~~(12) "Person" includes an individual, partnership, firm, association, or corporation.

5 ~~(10)~~(13) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar  
6 weapon with overall length less than twenty-six inches (26"), but does not include any pistol or  
7 revolver designed for the use of blank cartridges only.

8 ~~(11)~~(14) "Sawed-off rifle" means any rifle with overall length of less than twenty-six  
9 inches (26") or barrel length of less than sixteen inches (16").

10 ~~(12)~~(15) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-  
11 six inches (26") or barrel length of less than eighteen inches (18").

12 ~~(13)~~(16) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,  
13 accept, and borrow, and "purchasing" shall be construed accordingly.

14 ~~(14)~~(17) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-  
15 automatic weapon and causes the weapon to fire by turning the crank handle.

16 (18) "Undetectable firearm" means any firearm that:

17 (i) After removal of all parts, other than a major component, is not as detectable by walk-  
18 through metal detectors commonly used at airports or other public buildings; or

19 (ii) Any major component of which, if subjected to inspection by the types of detection  
20 devices commonly used at airports or other public buildings for security screening, would not  
21 generate an image that accurately depicts the shape of the component; or

22 (iii) Is manufactured wholly of plastic, fiberglass, or through a 3D printing process.

23 SECTION 2. Section 11-47-8 of the General Laws in Chapter 11-47 entitled "Weapons"  
24 is hereby amended to read as follows:

25 ~~**11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**~~

26 **License or permit required for carrying pistol -- Other weapons prohibited.**

27 (a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-  
28 12, and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her  
29 person whether visible or concealed, except in his or her dwelling house or place of business or  
30 on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of  
31 these sections shall not apply to any person who is the holder of a valid license or permit issued  
32 by the licensing authority of another state, or territory of the United States, or political  
33 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any  
34 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the

1 person is merely transporting the firearm through the state in a vehicle or other conveyance  
2 without any intent on the part of the person to detain him or herself or remain within the state of  
3 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as  
4 otherwise provided in this chapter. Every person violating the provision of this section shall, upon  
5 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by  
6 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this  
7 section, shall not be afforded the provisions of suspension or deferment of sentence, nor a  
8 probation.

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

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

20 (d) It shall be unlawful for any person to possess a bump-fire device, binary trigger,  
21 trigger crank, or any other device that when attached to a semi-automatic weapon allows full-  
22 automatic fire. Individuals who possess these items shall have ninety (90) days from the  
23 enactment of this section to either sell, destroy, or otherwise remove these items from the state of  
24 Rhode Island. Every person violating the provisions of this section shall, upon conviction, be  
25 punished by imprisonment for not less than one nor more than ten (10) years, or by a fine up to  
26 ten thousand dollars (\$10,000), or both, and, except for a first conviction under this section, shall  
27 not be afforded the provisions of suspension or deferment of sentence, nor a probation.

28 (e) No person shall manufacture, sell, offer to sell, transfer, purchase, possess, or have  
29 under his or her control a ghost gun or an undetectable firearm or any firearm produced by a 3D  
30 printing process. Any person convicted of violating this subsection shall be punished by  
31 imprisonment of not more than ten (10) years, or by a fine up to ten thousand dollars (\$10,000),  
32 and except for a first conviction under this section shall not be afforded the provisions of  
33 suspension or deferment of sentence, nor probation.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
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1           This act would provide certain definitions relative to undetectable firearms and would  
2 prohibit the manufacturing, importation, sale, shipment, delivery, possession, or transfer of any  
3 ghost gun or firearm that is undetectable by metal detectors commonly used at airports and public  
4 buildings including 3D printed firearms as defined herein.

5           This act would take effect upon passage.

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