

2018 -- S 2493

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LC004989
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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: Senators Miller, Goodwin, Lynch Prata, Coyne, and Conley

Date Introduced: February 27, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 47.1

4 RHODE ISLAND ASSAULT WEAPONS BAN ACT OF 2018

5 **11-47.1-1. Short title.**

6 This chapter shall be known and may be cited as the "Rhode Island Assault Weapons Ban
7 Act of 2018".

8 **11-47.1-2. Definitions.**

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

10 (1) "Assault weapon" means any semiautomatic assault rifle, semiautomatic assault pistol
11 and/or semiautomatic assault shotgun.

12 (2) "Barrel shroud" means:

13 (i) A shroud that is attached to, or partially or completely encircles, the barrel of a firearm
14 so that the shroud protects the user of the firearm from heat generated by the barrel; and

15 (ii) Does not include:

16 (A) A slide that partially or completely encloses the barrel; or

17 (B) An extension of the stock along the bottom of the barrel which does not encircle or
18 substantially encircle the barrel.

19 (3) "Belt-fed semiautomatic firearm" means any repeating firearm that:

1 (i) Utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case
2 and chamber the next round;

3 (ii) Requires a separate pull of the trigger to fire each cartridge; and

4 (iii) Has the capacity to accept a belt ammunition feeding device.

5 (4) "Detachable magazine" means a device that attaches to a firearm and acts as an
6 ammunition feeding device and which can be removed from a firearm without disassembly of the
7 firearms action.

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

13 (6) "Fixed magazine" means an ammunition feeding device that is permanently fixed to
14 the firearm in such a manner that it cannot be removed without disassembly of the firearm.

15 (7) "Folding, telescoping, or detachable stock" means a stock that folds, telescopes,
16 detaches or otherwise operates to reduce the length, size, or any other dimension, or otherwise
17 enhances the concealability, of a firearm.

18 (8) "Forward grip" means a grip or handle located forward of the trigger.

19 (9) "Grandfathered assault weapon" means any semiautomatic firearm the possession,
20 sale, transfer or importation of which would be unlawful except for the provisions of § 11-47.1-5,
21 and which was lawfully owned and possessed by a Rhode Island resident on the effective date of
22 this chapter.

23 (10) "Grenade launcher" means a device designed to fire, launch or propel a grenade.

24 (11) "Large capacity feeding device" means any magazine, belt, drum, or device with a
25 capacity to accept more than ten (10) rounds of ammunition, however shall not include a tubular
26 device designed to accept, and capable of operating only with .22 caliber rimfire ammunition.

27 (12) "Magazine" means a device that attaches to a firearm and acts as an ammunition
28 feeding device.

29 (13) "Person" includes an individual, partnership, firm, association, or corporation.

30 (14) "Pistol grip" means a grip or handle located behind or to the rear of the trigger on a
31 semiautomatic firearm and shall include, but not be limited to, a thumbhole stock.

32 (15) "Secure storage" means storage in a locked safe or container that meets or exceeds
33 the following criteria:

34 (i) Shall be able to fully contain firearms and provide for their secure storage;

1 (ii) Shall have a locking system consisting of at minimum a mechanical or electronic
2 combination lock.

3 (16) "Semiautomatic assault pistol" means any semiautomatic pistol with the capacity to
4 accept a detachable magazine and which possesses: a barrel shroud; or a forward grip; or a
5 threaded barrel; or has the capacity to accept a detachable magazine at some location outside the
6 pistol grip; or is a semiautomatic version of a machine gun.

7 (17) "Semiautomatic assault rifle" means any belt-fed semiautomatic rifle or any
8 semiautomatic rifle that has the capacity to accept a detachable magazine and which possesses: a
9 pistol grip; or a forward grip; or a folding, telescoping or detachable stock; or a grenade launcher;
10 or a barrel shroud; or a threaded barrel.

11 (18) "Semiautomatic assault shotgun" means any semiautomatic shotgun which
12 possesses: a folding, telescoping or detachable stock; or a pistol grip; or capacity to accept a
13 detachable magazine; a fixed magazine with a capacity to accept more than five (5) rounds of
14 ammunition; a forward grip; a grenade launcher; or a revolving cylinder for ammunition.

15 (19) "Semiautomatic firearm" means a repeating firearm that utilizes energy from firing
16 ammunition to extract the fired cartridge case or hull and chamber the next round of ammunition,
17 and requires a separate pull of the trigger to fire each round of ammunition.

18 (20) "Threaded barrel" means threads on the muzzle end of a barrel and shall include, but
19 not be limited to, any barrel on which a flash suppressor, muzzle brake or silencer has been
20 attached.

21
22 **11-47.1-3. Restrictions on manufacture, sale, purchase, and possession of certain**
23 **assault weapons.**

24 (a) It shall be unlawful for any person to manufacture, sell, purchase or possess an assault
25 weapon, except as otherwise provided in this chapter. Every person violating the provision of this
26 section shall, upon conviction, be punished by imprisonment for not less than one nor more than
27 ten (10) years, or by a fine up to ten thousand dollars (\$10,000), or both.

28 (b) Firearms subject to the assault weapon restrictions of this section shall include, but
29 not be limited to, the following:

30 (1) AK-47;

31 (2) AK-74;

32 (3) AKM;

33 (4) AKS-74U;

34 (5) ARM;

- 1 [\(6\) MAADI AK47;](#)
- 2 [\(7\) MAK90;](#)
- 3 [\(8\) MISR;](#)
- 4 [\(9\) NHM90 and NHM9I;](#)
- 5 [\(10\) Norinco 56, 56S, 84S and 86S;](#)
- 6 [\(11\) Poly Technologies AKS and AK47;](#)
- 7 [\(12\) SA 85;](#)
- 8 [\(13\) SA 93;](#)
- 9 [\(14\) VEPR;](#)
- 10 [\(15\) WASR-10;](#)
- 11 [\(16\) WUM;](#)
- 12 [\(17\) Rock River Arms LAR-47;](#)
- 13 [\(18\) Vector Arms AK-47;](#)
- 14 [\(19\) AR-10;](#)
- 15 [\(20\) AR-15;](#)
- 16 [\(21\) Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, Bushmaster](#)
- 17 [MOE Rifles;](#)
- 18 [\(22\) Colt Match Target Rifles;](#)
- 19 [\(23\) Armalite M15;](#)
- 20 [\(24\) Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles;](#)
- 21 [\(25\) DPMS Tactical Rifles;](#)
- 22 [\(26\) Smith and Wesson M&P15 Rifles;](#)
- 23 [\(27\) Rock River Arms LAR-15;](#)
- 24 [\(28\) Doublestar AR Rifles;](#)
- 25 [\(29\) Barrett REC7;](#)
- 26 [\(30\) Beretta Storm;](#)
- 27 [\(31\) Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical](#)
- 28 [Rifles;](#)
- 29 [\(32\) Hi-Point Carbine Rifles;](#)
- 30 [\(33\) HK-PSG- 1;](#)
- 31 [\(34\) Kel-Tec Sub-2000, SU Rifles, and RFB;](#)
- 32 [\(35\) Remington Tactical Rifle Model 7615;](#)
- 33 [\(36\) SAR-8, SAR-4800 and SR9;](#)
- 34 [\(37\) SLG 95;](#)

- 1 [\(38\) SLR 95 or 96;](#)
- 2 [\(39\) TNW M230 and M2HB;](#)
- 3 [\(40\) Vector Arms UZI;](#)
- 4 [\(41\) Galil and Galil Sporter;](#)
- 5 [\(42\) Daewoo AR 100 and AR 110C;](#)
- 6 [\(43\) FabriqueNationale/FN 308 Match and L1A1 Sporter;](#)
- 7 [\(44\) HK USC;](#)
- 8 [\(45\) IZHMASH Saiga AK;](#)
- 9 [\(46\) SIG Sauer 55 1-A1, 556, 516, 716 and M400 Rifles;](#)
- 10 [\(47\) Valmet M62S, M71S and M78S;](#)
- 11 [\(48\) Wilkinson Arms Linda Carbine;](#)
- 12 [\(49\) Barrett M107A1;](#)
- 13 [\(50\) Centurion 39 AK;](#)
- 14 [\(51\) Draco AK-47;](#)
- 15 [\(52\) HCR AK-47;](#)
- 16 [\(53\) IO Inc. Hellpup AK-47;](#)
- 17 [\(54\) Mini-Draco AK-47;](#)
- 18 [\(55\) Yugo Krebs Krink;](#)
- 19 [\(56\) American Spirit AR-15;](#)
- 20 [\(57\) Bushmaster Carbon 15;](#)
- 21 [\(58\) Doublestar Corporation AR;](#)
- 22 [\(59\) DPMS AR-15;](#)
- 23 [\(60\) Olympic Arms AR-15;](#)
- 24 [\(61\) Rock River Arms LAR 15;](#)
- 25 [\(62\) Calico Liberty III and III Tactical Pistols;](#)
- 26 [\(63\) Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols;](#)
- 27 [\(64\) Intratec TEC-DC9 and AB-10;](#)
- 28 [\(65\) Colefire Magnum;](#)
- 29 [\(66\) German Sport 522 PK and Chiappa Firearms Mfour-22;](#)
- 30 [\(67\) DSA SA58 PKP FAL;](#)
- 31 [\(68\) I.O. Inc. PPS-43C;](#)
- 32 [\(69\) Kel-Tec PLR-16 Pistol;](#)
- 33 [\(70\) Sig Sauer P516 and P556 Pistols;](#)
- 34 [\(71\) Thompson TAS Pistols;](#)

- 1 [\(72\) AlgimecAgmi; Armalite AR-180;](#)
- 2 [\(73\) Australian Automatic Arms SAP Pistol;](#)
- 3 [\(74\) Auto-Ordnance Thompson type;](#)
- 4 [\(75\) Avtomat Kalashnikov AK-47 type;](#)
- 5 [\(76\) Barrett Light-Fifty model 82A1;](#)
- 6 [\(77\) Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol;](#)
- 7 [\(78\) Calico models M-900, M-950 and 100-P;](#)
- 8 [\(79\) Chartered Industries of Singapore SR-88;](#)
- 9 [\(80\) Colt AR-15 and Sporter;](#)
- 10 [\(81\) Daewoo K-1, K-2, Max-1 and Max-2;](#)
- 11 [\(82\) Encom MK-IV, MP-9 and MP-45; FabriqueNationale FN/FAL, FN/LAR, or](#)
- 12 [FN/FNC; FAMAS MAS 223;](#)
- 13 [\(83\) Feather AT-9 and Mini-AT; Federal XC-900 and XC-450;](#)
- 14 [\(84\) Franchi SPAS-12 and LAW-12;](#)
- 15 [\(85\) Galil AR and ARM;](#)
- 16 [\(86\) Goncz High-Tech Carbine and High-Tech Long Pistol;](#)
- 17 [\(87\) Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83;](#)
- 18 [\(88\) MAC-10, MAC-11 and MAC-11 Carbine type;](#)
- 19 [\(89\) Intratec TEC-9 and Scorpion;](#)
- 20 [\(90\) Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only;](#)
- 21 [\(91\) Scarab Skorpion;](#)
- 22 [\(92\) SIG 57 AMT and 500 series;](#)
- 23 [\(93\) Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3;](#)
- 24 [\(94\) Sterling MK-6 and MK-7;](#)
- 25 [\(95\) Steyr AUG;](#)
- 26 [\(96\) Street Sweeper and Striker 12 revolving cylinder shotguns;](#)
- 27 [\(97\) USAS-12; UZI Carbine, Mini-Carbine and Pistol;](#)
- 28 [\(98\) Weaver Arms Nighthawk; and](#)
- 29 [\(99\) Wilkinson "Linda" Pistol.](#)

30 **11-47.1-4. Certificate of possession.**

31 [\(a\) The attorney general shall adopt regulations to establish procedures with respect to the](#)
32 [application for and issuance of certificates of possession for grandfathered assault weapons](#)
33 [lawfully owned and possessed by a state resident on the effective date of this act; provided:](#)

34 [\(1\) The certificate of possession shall contain a description of the firearm that identifies it](#)

1 uniquely, including all identification marks, the full name, address, date of birth and thumbprint
2 of the owner, and any other information as the attorney general may deem appropriate;

3 (2) The name and address of a person issued a certificate of possession shall be
4 confidential and shall not be disclosed, except such records may be disclosed to:

5 (i) Law enforcement agencies and employees of the United States Probation Office acting
6 in the performance of their duties; and

7 (ii) The director of the department of behavioral healthcare, developmental disabilities
8 and hospitals (BHDDH).

9 (b) Any person who obtains title to an assault weapon for which a certificate of
10 possession has been issued under this section by bequest or intestate succession shall, within
11 ninety (90) days of obtaining title, apply to the attorney general for a certificate of possession as
12 provided for in subsection (a) of this section, or render the assault weapon permanently
13 inoperable, or sell the assault weapon to a licensed gun dealer or remove the assault weapon from
14 the state.

15 (c) Any person who moves into the state in lawful possession of an assault weapon, shall,
16 within ninety (90) days, either render the assault weapon permanently inoperable, or sell the
17 assault weapon to a licensed gun dealer or remove the assault weapon from this state, except that
18 any person who is a member of the military or naval forces of this state or of the United States, is
19 in lawful possession of an assault weapon and has been transferred into the state, may, within
20 ninety (90) days of arriving in the state, apply to the attorney general for a certificate of
21 possession with respect to such assault weapon.

22 (d) The owner of multiple assault weapons shall be issued a separate certificate of
23 possession for each weapon. A fee of twenty-five dollars (\$25.00) shall be charged and shall be
24 paid for the issuance of each certificate of possession.

25 **11-47.1-5. Use and possession with certificate.**

26 (a) Any person who has been issued a certificate of possession for a grandfathered assault
27 weapon as provided for in this chapter, may possess the grandfathered assault weapon only under
28 the following conditions:

29 (1) At that person's residence, place of business or other property owned by that person,
30 or on property owned by another person with the property owner's express permission, except the
31 grandfathered assault weapon shall be kept in secure storage when not in the immediate
32 possession and control of the grandfathered assault weapon owner;

33 (2) While on the premises of a target range of a public or private club or organization
34 organized for the purpose of practicing shooting at targets;

1 (3) While on a target range which holds a regulatory or business license for the purpose
2 of practicing shooting at that target range;

3 (4) While on the premises of a licensed shooting club;

4 (5) While attending any exhibition, display or educational project which is about firearms
5 and which is sponsored by, conducted under the auspices of, or approved by a law enforcement
6 agency or a nationally or state recognized entity that fosters proficiency in, or promotes education
7 about, firearms; or

8 (6) While transporting the grandfathered assault weapon between any of the places set
9 forth in this subsection, or to any licensed gun dealer for servicing or repair.

10 (b) While transporting a grandfathered assault weapon between any of the places set forth
11 in subsections (a)(1) through (a)(6) of this section, no person shall carry a loaded assault weapon
12 concealed from public view or knowingly have, in any motor vehicle owned, operated or
13 occupied by such person:

14 (1) A loaded assault weapon; or

15 (2) An unloaded assault weapon unless such weapon is kept in the trunk of such vehicle
16 or in a locked case.

17 (c) Any person who violates the provisions of subsection (b) of this section, shall be fined
18 not more than two thousand five hundred dollars (\$2,500) or imprisoned not more than three (3)
19 years, or both, and shall be subject to forfeiture of the weapon pursuant to § 11-47-22.

20 **11-47.1-6. Licensed gun dealers – Certificate of transfer.**

21 (a) If an owner of an grandfathered assault weapon sells or transfers the assault weapon
22 to a licensed gun dealer, such dealer shall, at the time of delivery of the grandfathered assault
23 weapon, execute a certificate of transfer and cause the certificate of transfer to be mailed or
24 delivered to the attorney general.

25 (b) The certificate of transfer shall contain:

26 (1) The date of sale or transfer;

27 (2) The name and address of the seller or transferor and the licensed gun dealer, their
28 Social Security numbers or motor vehicle operator license numbers, if applicable;

29 (3) The licensed gun dealer's federal firearms license number and seller's certificate of
30 possession number;

31 (4) A description of the grandfathered assault weapon, including the caliber of the assault
32 weapon and its make, model and serial number; and

33 (5) Any other information the attorney general prescribes. The licensed gun dealer shall
34 present such dealer's motor vehicle operator's license or Social Security card, federal firearms

1 license and business license to the weapon seller or transferor for inspection at the time of
2 transfer. The department of public safety shall maintain a file of all certificate of transfers at the
3 commissioner's central office.

4 (c) Any licensed gun dealer may lawfully transport the grandfathered assault weapon
5 between dealers or out of the state, display the assault weapon at any gun show licensed by a state
6 or local governmental entity or lawfully sell the assault weapon outside the state.

7 (d) Any licensed gun dealer may take possession of any grandfathered assault weapon
8 for the purposes of servicing or repair from any person to whom has been issued a certificate of
9 possession for such weapon pursuant this chapter.

10 (e) Any licensed gun dealer may transfer possession of any grandfathered assault weapon
11 received pursuant to subsection (a) of this section to a gunsmith for purposes of accomplishing
12 service or repair of the same. Such transfers are permissible only to the following persons:

13 (1) A gunsmith who is in the licensed gun dealer's employ; or

14 (2) A gunsmith with whom the dealer has contracted for gunsmithing services; provided
15 the gunsmith receiving the grandfathered assault weapon holds a dealer's license as defined in 18
16 U.S.C. § 921 and the regulations issued pursuant thereto.

17 **11-47.1-7. Restriction on large capacity feeding devices.**

18 It shall be unlawful for any person to manufacture, sell, purchase or possess any large
19 capacity feeding devices, except the restriction of this section shall not apply to the possession of
20 a large capacity feeding device otherwise lawfully possessed in the state by the owner, on the date
21 of enactment of this act.

22 **11-47.1-8. Exceptions.**

23 The provisions of this chapter shall not apply to sheriffs; deputy sheriffs; the
24 superintendent and members of the state police; members of the Rhode Island airport police
25 department; members of the Rhode Island state marshals; Rhode Island state fire marshal; chief
26 deputy state fire marshals; deputy state fire marshals assigned to the bomb squad, and those
27 assigned to the investigation unit; Providence fire department arson investigators, provided that
28 the investigator is a graduate of a police-training academy; correctional officers, within the
29 department of corrections; any members of the city or town police force; capitol police
30 investigators of the department of attorney general appointed pursuant to § 42-9-8.1; the witness
31 protection coordinator for the witness protection review board as set forth in chapter 30 of title 12
32 and subject to the minimum qualifications of § 42-9-8.1; automobile theft investigators of the
33 Rhode Island state police pursuant to § 31-50-1; railroad police while traveling to and from
34 official assignments or while on assignments; conservation officers; other duly appointed law

1 enforcement officers; members of the Army, Navy, Air Force, and Marine Corps of the United
2 States, the National Guard, or organized reserves, when on duty; officers or employees of the
3 United States authorized by law to carry a firearm; any civilian guard or criminal investigator
4 carrying a firearm in the performance of their official duties under the authority of the
5 commanding officer of the military establishment in the state of Rhode Island where they are
6 employed by the United States; any civilian guard carrying a firearm in the performance of their
7 official duties under the authority of the adjutant general where they are employed guarding a
8 national guard facility; provided, that the commanding officer of the military establishment shall
9 have on file with the attorney general of this state a list of the names and addresses of all civilian
10 guards and criminal investigators so authorized; duly authorized military organizations when on
11 duty; members when at, or going to or from, their customary places of assembly; or any
12 individual employed in the capacity of warden, associate warden, major, captain, lieutenant,
13 sergeant, correctional officer or investigator at any project owned or operated by a municipal
14 detention facility corporation, including the Donald W. Wyatt Detention Facility.

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

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

1 This act would create the "Rhode Island Assault Weapons Ban Act of 2018" which would
2 restrict the possession and sale of semiautomatic assault weapons, limit ammunition magazines to
3 ten (10) or less rounds, and would make provisions for "grandfathered" ownership of
4 semiautomatic assault weapons. The act would also "grandfather" current ownership of
5 magazines, and would make exceptions for law enforcement.

6 This act would take effect upon passage.

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