

2016 -- H 7199

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Regunberg, Carson, Ajello, Handy, and Almeida

Date Introduced: January 15, 2016

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 § 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,"  
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 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  
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 (12) "Detachable magazine" means an ammunition feeding device that can be loaded or  
30 unloaded while detached from a firearm and readily inserted into a firearm.

31 (13) "Fixed magazine" means an ammunition feeding device contained in, or  
32 permanently attached to, a firearm in such a manner that the device cannot be removed without  
33 disassembly of the firearm action.

34 (14) "High capacity magazine" and "large capacity ammunition magazine" means any

1 ammunition feeding device with the capacity to accept more than ten (10) rounds, or any  
2 conversion kit, part, or combination of parts, from which such a device can be assembled if those  
3 parts are in the possession or under the control of the same person, but shall not be construed to  
4 include any of the following:

5 (i) A feeding device that has been permanently altered so that it cannot accommodate  
6 more than ten (10) rounds;

7 (ii) A .22 caliber tube ammunition feeding device; and

8 (iii) A tubular magazine that is contained in a lever-action firearm.

9 SECTION 2. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended  
10 by adding thereto the following section:

11 **11-47-64. High capacity magazines.** -- (a) No person, corporation, or other entity in the  
12 state may manufacture, import, possess, purchase, sell or transfer any high capacity magazine.  
13 Every person violating the provisions of this section shall, upon conviction, be subject to  
14 imprisonment for no more than ten (10) years.

15 (b) Subsection (a) of this section, shall not apply to:

16 (1) Any government officer, agent, or employee, member of the armed forces of the  
17 United States, or peace officer, to the extent that such person is otherwise authorized to acquire or  
18 possess a high capacity magazine, and does so while acting within the scope of their duties;

19 (2) The manufacture of a high capacity magazine by a firearms manufacturer for the  
20 purpose of sale to any branch of the armed forces of the United States, or to a law enforcement  
21 agency in this state for use by that agency or its employees, provided the manufacturer is properly  
22 licensed under federal, state and local laws; and

23 (3) The sale or transfer of a high capacity magazine by a dealer that is properly licensed  
24 under federal, state and local laws to any branch of the armed forces of the United States, or to a  
25 law enforcement agency in this state for use by that agency or its employees for law enforcement  
26 purposes.

27 (c) Any person who, prior to the effective date of this section, was legally in possession  
28 of a high capacity magazine, shall have one hundred twenty (120) days from such effective date  
29 to do any of the following without being subject to prosecution:

30 (1) Remove the high capacity magazine from the state;

31 (2) Sell the high capacity magazine to a licensed firearms dealer; or

32 (3) Surrender the high capacity magazine to the appropriate law enforcement agency for  
33 destruction subject to specific agency regulations.

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  
RELATING TO CRIMINAL OFFENSES -- WEAPONS

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- 1           This act would criminalize the manufacture, import, possession, purchase, sale or transfer
- 2   of any ammunition feeding device capable of accepting more than ten (10) rounds.
- 3           This act would take effect upon passage.

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