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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL OFFENSES -- ASSAULT WEAPONS

Introduced By: Representatives Caldwell, Knight, Blazejewski, Kazarian, Craven,
McNamara, Batista, Williams, Amore, and Giraldo

Date Introduced: February 12, 2021

Referred To: House Judiciary

(Attorney General/General Treasurer/Lieutenant Governor/Secretary of State)

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 ASSAULT WEAPONS

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 2021."

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

9 When used in this chapter:

10 (1) "Ammunition feeding device" means any magazine, box, belt, drum, feed strip, or
11 similar device that holds ammunition for a firearm. As used in this chapter, the term shall include
12 an ammunition feeding device with a removable floor plate or end plate, if the device can readily
13 be extended to accept more than ten (10) rounds of ammunition. The term shall not include an
14 attached tubular device which is capable of holding only .22 caliber rimfire ammunition.

15 (2) "Assault weapon" means:

16 (i) A semi-automatic shotgun with a fixed magazine capacity exceeding six (6) rounds, or
17 that has the ability to accept a detachable magazine and a pistol grip, or a folding or telescopic
18 stock.

19 (ii) A semi-automatic rifle with a fixed magazine capacity exceeding ten (10) rounds or

1 that has the ability to accept a detachable magazine and has at least one of the following features:

2 (A) A folding or telescoping stock;

3 (B) A pistol grip that protrudes conspicuously beneath the action of the weapon;

4 (C) A bayonet mount;

5 (D) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; or

6 (E) A grenade launcher.

7 "Assault weapon" shall not include a semi-automatic rifle which has an attached tubular

8 device and which is capable of operating only with .22 caliber rimfire ammunition.

9 (iii) A semi-automatic pistol that has an ability to accept a detachable magazine and has at

10 least one of the following features:

11 (A) An ammunition magazine that attaches to the pistol outside of the pistol grip;

12 (B) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward

13 handgrip, or silencer;

14 (C) A shroud that is attached to, or partially or completely encircles, the barrel and that

15 permits the shooter to hold the firearm with the non-trigger hand without being burned; or

16 (D) A manufactured weight of fifty ounces (50 oz.) or more when the pistol is unloaded.

17 (3) "Detachable magazine" means an ammunition feeding device that attaches to a firearm

18 and which can be removed without disassembly of the firearm.

19 (4) "Federally licensed firearm dealer" means a person who holds a valid federal firearm

20 dealers license issued pursuant to 18 U.S.C. § 923(a).

21 (5) "Federally licensed gunsmith" means a person who holds a valid federal firearm

22 gunsmiths license issued pursuant to 18 U.S.C. § 923(a).

23 (6) "Fixed magazine" means an ammunition feeding device that is permanently fixed to the

24 firearm in such a manner that it cannot be removed without disassembly of the firearm.

25 (7) "Folding, telescoping, or detachable stock" means a stock that folds, telescopes,

26 detaches or otherwise operates to reduce the length, size, or any other dimension, or otherwise

27 enhances the concealability, of a firearm.

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

29 (9) "Grandfathered assault weapon" means any assault weapon for which a certificate of

30 possession has been issued pursuant to § 11-47.1-4.

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

32 (11) "Pistol grip" means a well-defined handle, similar to that found on a handgun, that

33 protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be

34 held and fired with one hand.

1 (12) "Secure storage" means a firearm that is stored in a locked container or equipped with
2 a tamper-resistant mechanical lock or other safety device, properly engaged so as to render such
3 weapon inoperable by any person other than the owner or other lawfully authorized user.

4 (13) "Semi-automatic" means a firearm which fires a single projectile for each single pull
5 of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet.

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

8 **11-47.1-3. Restrictions on manufacture, sale, purchase and possession of assault**
9 **weapons.**

10 (a) No person shall manufacture, sell, offer to sell, transfer, purchase, possess, or have
11 under his or her control an assault weapon, except as otherwise authorized under this section. Any
12 person convicted of violating this subsection shall be punished by imprisonment of not more than
13 ten (10) years, or by a fine up to ten thousand dollars (\$10,000), and the assault weapon shall be
14 subject to forfeiture.

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

16 (1) A person who, on the effective date of this chapter, lawfully possessed an assault
17 weapon and who, within one year of the effective date of this chapter:

18 (i) Registers the assault weapon with the police department in the city or town where the
19 person resides or, if there is no such police department or the person resides out of state, with the
20 Rhode Island state police in accordance with the provisions of this section;

21 (ii) Renders the assault weapon inoperable, as provided in subsection (d) of this section;

22 (iii) Surrenders the assault weapon to the police department in the city or town where the
23 person resides, or, if there is no such police department or the person resides out of state, to the
24 Rhode Island state police, in accordance with the procedures for surrender of weapons set forth by
25 the police department or the Rhode Island state police; or

26 (iv) Transfers or sells the assault weapon to a licensed dealer or person or firm lawfully
27 entitled to own or possess such weapon.

28 (2)(i) A law enforcement officer exempt under §§ 11-47-9 and 11-47-9.1; or

29 (ii) A retired law enforcement officer exempt under §§ 11-47-9 and 11-47-9.1 who is not
30 otherwise prohibited from receiving such a weapon or feeding device from such agency upon
31 retirement, and who has a permit to carry pursuant to § 11-47-18(b).

32 (3) An active duty member of the Armed Forces of the United States or the National Guard
33 who is authorized to possess and carry assault weapons.

34 (c) If the holder of a certificate to possess an assault weapon dies, or if the owner of an

1 assault weapon which has been registered pursuant to this chapter dies, then the heirs or estate of
2 the deceased person shall have one hundred eighty (180) days from the date of death to transfer the
3 firearm to a licensed dealer or person or firm lawfully entitled to own or possess such firearm;
4 voluntarily surrender the firearm to the police department in the city or town where the deceased
5 resided, or to the Rhode Island state police; remove the assault weapon from the state; within ninety
6 (90) days of obtaining title, register the assault weapon in accordance with the provisions of § 11-
7 47.1-4; or, render such weapon inoperable.

8 (d) If the owner of an assault weapon elects to render such weapon inoperable, the owner
9 shall file a certification under penalty of perjury on a form prescribed by the superintendent of the
10 state police indicating the date on which the assault weapon was rendered inoperable. This
11 certification shall be filed with either the chief law enforcement officer of the municipality in which
12 the owner resides or, if there is no such police department or in the case of an owner who resides
13 outside this state but stores or possesses an assault weapon in this state, with the superintendent of
14 the state police. For purposes of this section, "inoperable" shall mean that the assault weapon is
15 altered in such a manner that it cannot be immediately fired and that the owner or possessor of such
16 weapon does not possess or have control over the parts necessary to make it operable.

17 **11-47.1-4. Registration of Assault Weapons.**

18 (a) The owner of an assault weapon lawfully possessed on or before the effective date of
19 this statute shall have one year from the effective date of this statute to register that weapon. In
20 order to register an assault weapon, the owner shall:

21 (1) Complete an assault weapon registration statement, in the form to be prescribed by the
22 superintendent of the state police;

23 (2) Submit to a fingerprint-supported criminal background check to ascertain whether the
24 person is disqualified from the possession of firearms under this chapter; and,

25 (3) Pay a registration fee of twenty-five dollars (\$25.00) per each assault weapon;

26 (b) The information to be provided in the registration statement shall include, but shall not
27 be limited to:

28 (1) The full name, date of birth, and address of the registrant;

29 (2) The make, model, and serial number of the assault weapon being registered. For a
30 firearm manufactured before 1968, identifying marks may be substituted for the serial number
31 required by this subsection; and,

32 (3) Each registration statement shall be signed by the registrant, and the signature shall
33 constitute a representation of the accuracy of the information contained in the registration
34 statement.

1 (c) For an applicant who resides in a municipality with an organized full-time police
2 department, the registration shall take place at the main office of the police department. For all
3 other applicants, the registration shall take place at a Rhode Island state police barracks.

4 (d) Within ninety (90) days of the effective date of this chapter, the superintendent of the
5 state police shall prepare the registration statement as described in subsection (a) of this section and
6 a certificate of inoperability as described in § 11-47.1-3(d), and shall provide a suitable supply of
7 such statements to each organized full-time municipal police department and each state police
8 barracks.

9 (e) One copy of the completed assault weapons registration statement shall be returned to
10 the registrant and shall constitute a certificate of possession of that assault weapon. A second copy
11 shall be sent to the superintendent, and, if the registration takes place at a municipal police
12 department, a third copy shall be retained by that municipal police department. A fourth copy of
13 the registration statement shall be sent to the attorney general.

14 (f) A certificate of possession shall only authorize the possession of the assault weapon
15 specified in the certificate. Any person in possession of multiple assault weapons on the effective
16 date of this chapter must submit a separate registration statement in order to obtain a certificate of
17 possession for each of the assault weapons of which they wish to retain possession.

18 (g) The name and address of a person issued a certificate of possession shall be kept
19 confidential and shall not be disclosed without a lawful court order, except such records may be
20 disclosed to:

21 (1) State or federal law enforcement officers and state and federal probation and parole
22 officers acting in the performance of their duties; and

23 (2) The director of the department of behavioral healthcare, developmental disabilities and
24 hospitals (BHDDH) or designee, acting in the performance of their duties.

25 (h) If an assault weapon registered pursuant to the provisions of this section is used in the
26 commission of a crime, the registrant of that assault weapon shall be civilly liable for any damages
27 resulting from that crime. The liability imposed by this subsection shall not apply if the assault
28 weapon used in the commission of the crime was stolen and the registrant reported the theft of the
29 firearm to law enforcement authorities within twenty-four (24) hours of the registrant's knowledge
30 of the theft.

31 **11-47.1-5. Use and possession of assault weapons with certificate of possession.**

32 (a) Any person who has been issued a certificate of possession for an assault weapon as
33 provided for in this section, may possess the assault weapon only under the following conditions:

34 (1) At that person's residence, place of business or other property owned by that person, or

1 on property owned by another person with the property owner's express permission, except the
2 grandfathered assault weapon shall be kept in secure storage when not in the immediate possession
3 and control of the grandfathered assault weapon owner;

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

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

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

11 (5) While transporting the grandfathered assault weapon to any licensed gun dealer for
12 servicing or repair; or

13 (6) While transporting an assault weapon between any of the places set forth in subsections
14 (a)(1) through (a)(5) of this section provided the assault weapon is placed in a secure storage.

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

18 **11-47.1-6. Licensed firearm dealers -- Certificate of transfer.**

19 (a) If an owner of a grandfathered assault weapon sells or transfers the assault weapon to a
20 federally licensed firearm dealer, such dealer shall, at the time of delivery of the firearm, in addition
21 to any other reports required by law, execute a certificate of transfer and cause copies of the
22 certificate of transfer to be mailed or delivered to the superintendent of the state police and the
23 attorney general.

24 (b) The certificate of transfer shall contain:

25 (1) The date of sale or transfer;

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

28 (3) The federally licensed firearm dealer's federal firearms license number and seller or
29 transferor's certificate of possession number;

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

32 (5) Any other information requested by the superintendent of the state police.

33 (c) The federally licensed firearm dealer shall retain possession of the seller or transferor's
34 certificate of possession and affix the certificate of possession to the certificate of transfer before

1 mailing or delivering copies of the certificate of transfer to the superintendent of the state police
2 and the attorney general.

3 (d) A federally licensed firearm dealer may receive and possess a lawfully grandfathered
4 assault weapon at their business premises, lawfully transport the grandfathered assault weapon
5 between dealers or out of the state, or lawfully sell or transfer the firearm outside the state.

6 (e) A federally licensed firearm dealer may take possession of a grandfathered assault
7 weapon for the purposes of servicing or repair from any person to whom certificate of possession
8 for such weapon has been issued pursuant this chapter.

9 (f) A federally licensed firearm dealer may temporarily transfer possession of a
10 grandfathered assault weapon received pursuant to subsection (a) of this section to a federally
11 licensed gunsmith for the purpose of servicing or repairing the firearm.

12 SECTION 2. 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 -- ASSAULT WEAPONS

1 This act would ban the possession, sale, and transfer of assault weapons. Possession of
2 assault weapons owned on the effective date of this act would be "grandfathered" subject to certain
3 registration provisions. Violations are punishable by a fine of up to ten thousand dollars (\$10,000),
4 or up to ten (10) years imprisonment.

5 This act would take effect upon passage.

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