

2023 -- H 5300

LC000870

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- ASSAULT WEAPONS

Introduced By: Representatives Knight, Caldwell, Batista, Felix, Craven, McEntee,
Kazarian, Ajello, Giraldo, and Boylan

Date Introduced: February 01, 2023

Referred To: House Judiciary

(Governor/Lt. Governor/General Treasurer/ Secretary of State/Attorney General)

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 47.2

4 ASSAULT WEAPONS

5 **11-47.2-1. Short title.**

6 This chapter shall be known and may be cited as the "Rhode Island Assault Weapons Bank
7 of 2023".

8 **11-47.2-2. Definitions.**

9 When used in this chapter:

10 (1) "Ammunition feeding device" means a magazine, box, drum, tube, belt, feed strip, or
11 device which is capable of holding ammunition to be fed continuously and directly therefrom into
12 a semi-automatic firearm. The term shall not include an attached tubular device which is capable
13 of holding only .22 caliber rimfire ammunition.

14 (2) "Assault weapon" means:

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

18 (ii) A semi-automatic rifle with a fixed magazine capacity exceeding ten (10) rounds or
19 that has the ability to accept a detachable magazine and has at least one of the following features:

- 1 (A) A folding or telescoping stock;
2 (B) A pistol grip that protrudes conspicuously beneath the action of the weapon;
3 (C) A bayonet mount;
4 (D) A flash suppressor or threaded barrel designed to accommodate a flash suppressor; or
5 (E) A grenade launcher.

6 (iii) A semi-automatic pistol that has an ability to accept a detachable magazine and has at
7 least one of the following features:

8 "Assault weapon" shall not include a semi-automatic rifle which has an attached tubular
9 device and which is capable of operating only with .22 caliber rimfire ammunition.

10 (A) The capacity to accept an ammunition magazine at a location outside of the pistol grip;

11 (B) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward
12 handgrip, or silencer;

13 (C) A shroud that is attached to, or partially or completely encircles, the barrel and that
14 permits the shooter to hold the firearm with the non-trigger hand without being burned but
15 excluding a slide that encloses the barrel;

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, including an ammunition feeding
19 device that may be readily removed from a firearm with the use of a bullet, cartridge, accessory, or
20 other tool, or any other object that functions as a tool.

21 (4) "Federally licensed firearm dealer" means a person who holds a valid federal firearm
22 dealers license issued pursuant to 18 U.S.C. § 923(a).

23 (5) "Federally licensed gunsmith" means a person who holds a valid federal firearm
24 gunsmiths license issued pursuant to 18 U.S.C. § 923(a).

25 (6) "Fixed magazine" means an ammunition feeding device that is permanently fixed to the
26 firearm in such a manner that it cannot be removed without disassembly of the firearm, or contained
27 in and not removable from a firearm, or that is otherwise not a detachable magazine, but does not
28 include an attached tubular device designed to accept, and capable of operating only with, .22
29 caliber rimfire ammunition.

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

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

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

1 possession has been issued pursuant to § 11-47.2-4.

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

3 (11) "Pistol grip" means a well-defined handle, similar to that found on a handgun, that
4 protrudes conspicuously beneath the action of the weapon, and which permits the firearm to be held
5 and fired with one hand.

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

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

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

13 **11-47.2-3. Restrictions on manufacture, sale, purchase and possession of assault**
14 **weapons.**

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

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

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

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

26 (ii) Renders the assault weapon permanently inoperable, as provided in subsection (d) of
27 this section; or

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

32 (iv) Transfers or sells the assault weapon to a federally licensed firearm dealer or person
33 or firm lawfully entitled to own or possess such weapon.

34 (2)(i) A law enforcement officer who is not otherwise prohibited from receiving such a

1 weapon and who is either:

2 (A) Exempt under §§ 11-47-9 and 11-47-9.1; or

3 (B) A qualified law enforcement officer under 18 U.S.C. 926B(c) and who is carrying the

4 identification required by 18 U.S.C. 926B(d); or

5 (ii) A retired law enforcement officer who is not otherwise prohibited from receiving such

6 a weapon upon retirement and who is either:

7 (A) Exempt under §§ 11-47-9 and 11-47-9.1 and has a permit to carry pursuant to § 11-47-

8 18(b); or

9 (B) A qualified retired law enforcement officer under 18 U.S.C. 926C(c) and who is

10 carrying the identification required by 18 U.S.C. 926C(d).

11 (3) An active duty member of the Armed Forces of the United States or the national guard

12 who is authorized to possess and carry assault weapons.

13 (4) A federally licensed firearms dealer who manufactures, purchases, possesses or has

14 under his or her control an assault weapon, or who sells, offers to sell, or transfers an assault weapon

15 to another federally licensed firearms dealer, to an individual who identified in subsections (b)(2)

16 or (b)(3) of this section, or to an individual outside the state who may lawfully possess such weapon.

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

18 assault weapon which has been registered pursuant to this chapter dies, then the heirs or estate of

19 the deceased person shall have one hundred eighty (180) days from the date of death to transfer the

20 firearm to a federally licensed firearm dealer or person or firm lawfully entitled to own or possess

21 such firearm; voluntarily surrender the firearm to the police department in the city or town where

22 the deceased resided, or to the Rhode Island state police; remove the assault weapon from the state;

23 within ninety (90) days of obtaining title, register the assault weapon in accordance with the

24 provisions of § 11-47.2-4; or, render such weapon permanently inoperable.

25 (d) If the owner of an assault weapon elects to render such weapon permanently inoperable,

26 the owner shall file a certification under penalty of perjury on a form prescribed by the

27 superintendent of the state police indicating the date on which the assault weapon was rendered

28 permanently inoperable. This certification shall be filed with either the chief law enforcement

29 officer of the municipality in which the owner resides or, if there is no such police department or

30 in the case of an owner who resides outside this state but stores or possesses an assault weapon in

31 this state, with the superintendent of the state police. For purposes of this section, "permanently

32 inoperable" shall mean that the assault weapon is altered in such a manner that it is incapable of

33 discharging a shot by means of an explosive and incapable of being readily restored to a firing

34 condition.

1 **11-47.2-4. Registration of assault weapons.**

2 (a) Notwithstanding the provisions of § 11-47-41, the owner of an assault weapon lawfully
3 possessed on or before the effective date of this statute shall have one year from the effective date
4 of this statute to register that weapon. In order to register an assault weapon, the owner shall:

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

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

9 (3) Pay a registration fee of twenty-five dollars (\$25.00) per each person registering one or
10 more assault weapons;

11 (b) The information to be provided in the registration statement shall include:

12 (1) The full name, date of birth, address, motor vehicle operator's license number or state
13 identification card number of the registrant;

14 (2) The make, model, caliber, and serial number of the assault weapon being registered;
15 and

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

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

22 (d) Within ninety (90) days of the effective date of this chapter, the superintendent of the
23 state police shall prepare the registration statement as described in subsection (a) of this section and
24 a certificate of inoperability as described in § 11-47.2-3(d), and shall provide a suitable supply of
25 such statements to each organized full-time municipal police department and each state police
26 barracks.

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

32 (f) A certificate of possession shall only authorize the possession of the assault weapon
33 specified in the certificate. Any person in possession of multiple assault weapons on the effective
34 date of this chapter must submit a separate registration statement in order to obtain a certificate of

1 possession for each of the assault weapons of which they wish to retain possession.

2 (g) The name and address of a person issued a certificate of possession shall be kept
3 confidential and shall not be disclosed without a lawful court order, except such records may be
4 disclosed to state or federal law enforcement officers and state and federal probation and parole
5 officers acting in the performance of their duties.

6 **11-47.2-5. Use and possession of assault weapons with certificate of possession.**

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

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

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

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

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

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

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

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

27 **11-47.2-6. Licensed firearm dealers -- Certificate of transfer.**

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

33 (b) The certificate of transfer shall contain:

34 (1) The date of sale or transfer;

1 (2) The full name, date of birth, address, motor vehicle operator's license number or state
2 identification card number of the seller or transferor;

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

5 (4) A description of the grandfathered assault weapon, including the caliber of the assault
6 weapon and its make, model and serial number.

7 (c) The federally licensed firearm dealer shall retain possession of the seller or transferor's
8 certificate of possession and affix the certificate of possession to the certificate of transfer before
9 mailing or delivering copies of the certificate of transfer to the superintendent of the state police
10 and the attorney general.

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

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

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

20 **11-47.2-7. Severability.**

21 If any provisions of the act or the application thereof to any person or circumstances is held
22 invalid, such invalidity shall not affect any other provisions or applications of this act, which can
23 be given effect without the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

25 SECTION 2. This act shall take effect upon passage.

=====
LC000870
=====

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.

=====
LC000870
=====