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2019 – S_____

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

AN ACT

RELATING TO CRIMINAL OFFENSES – WEAPONS

It is enacted by the General Assembly as follows:

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

Chapter 47.1

Assault Weapons

11-47.1-1. Short title.

This chapter shall be known and may be cited as the “Rhode Island Assault Weapons Ban Act of 2019.”

11-47.1-2. Definitions.

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

- (1) “Ammunition feeding device” means any magazine, box, belt, drum, feed strip, or similar device that holds ammunition for a firearm. As used in this Chapter, the term shall include an ammunition feeding device with a removable floor plate or end plate, if the device can readily be extended to accept more than ten rounds of

ammunition. The term shall not include an attached tubular device which is capable of holding only .22 caliber rimfire ammunition.

(2) “Assault weapon” means:

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

(ii) A semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds or that has the ability to accept a detachable magazine and has at least one of the following features: (a) a folding or telescoping stock; (b) a pistol grip that protrudes conspicuously beneath the action of the weapon; (c) a bayonet mount; (d) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; or (e) a grenade launcher. “Assault weapon” shall not include a semi-automatic rifle which has an attached tubular device and which is capable of operating only with .22 caliber rimfire ammunition.

(iii) A semi-automatic pistol that has an ability to accept a detachable magazine and has at least one of the following features: (a) an ammunition magazine that attaches to the pistol outside of the pistol grip; (b) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer; (c) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned; or (d) manufactured weight of 50 ounces or more when the pistol is unloaded.

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

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

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

(6) "Detachable magazine" means an ammunition feeding device that attaches to a firearm and which can be removed without disassembly of the firearm.

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

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

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

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

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

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

(13) "Grandfathered assault weapon" means any assault weapon for which a certificate of possession has been issued pursuant to 11-47.1-4.

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

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

(a) No person shall manufacture, sell, offer to sell, transfer, purchase, possess, or have under his or her control an assault weapon, except as otherwise authorized under this section. Any person convicted of violating this subsection shall be punished by imprisonment of not more than ten (10) years, or by a fine up to ten thousand dollars (\$10,000), and except for a first conviction under this section shall not be afforded the provisions of suspension or deferment of sentence, nor probation, and the assault weapon shall be subject to forfeiture.

(b) Paragraph (a) shall not apply to:

(1) a person who, on the effective date of this statute, lawfully possessed an assault weapon and who, within one year of the effective date of this statute:

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

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

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

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

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

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

(c) If the holder of a certificate to possess an assault weapon dies, or if the owner of an assault weapon which has been registered pursuant to this chapter dies, then the heirs or estate of the deceased person shall have 180 days from the date of death to transfer the firearm to a licensed dealer or person or firm lawfully entitled to own or possess such firearm; voluntarily surrender the firearm to the police department in the city or town where the deceased resided, or to the Rhode Island State Police; remove the assault weapon from the state; within ninety (90) days of obtaining title, register the assault weapon in accordance with the provisions of § 11-47.1-4; or, render such weapon inoperable.

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

11-47.1-4. Registration of Assault Weapons.

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

(1) Complete an assault weapon registration statement, in the form to be prescribed by the Superintendent of the State Police;

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

(3) Pay a registration fee of \$25.00 per each assault weapon;

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

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

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

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

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

(d) Within 90 days of the effective date of this Section, the Superintendent of the State Police shall prepare the registration statement as described in subsection (a) of this section and a certificate of inoperability as described in 11-47.1-3(d) above, and shall provide a suitable supply of such statements to each organized full-time municipal police department and each State Police barracks.

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

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

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

- a. State or Federal law enforcement officers and state and federal probation and parole officers acting in the performance of their duties; and
- b. The director of the department of behavioral healthcare, developmental disabilities and hospitals (BHDDH) or his/her designee, acting in the performance of their duties.

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

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

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

- (1) At that person's residence, place of business or other property owned by that person, or on property owned by another person with the property owner's express permission, except the grandfathered assault weapon shall be kept in secure storage when not in the immediate possession and control of the grandfathered assault weapon owner;
- (2) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range;
- (3) While on the premises of a licensed shooting club;
- (4) While attending any exhibition, display or educational project which is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms;
- (5) While transporting the grandfathered assault weapon to any licensed gun dealer for servicing or repair; or
- (6) While transporting an assault weapon between any of the places set forth in subsections (a)(1) through (a)(5) provided the assault weapon is placed in a secure storage.

(g) Any person who violates the provisions of subsection (a) of this section, shall be fined not more than two thousand five hundred dollars (\$2,500) or imprisoned not more

than three (3) years, or both, and shall be subject to forfeiture of the assault weapon pursuant to § 11-47-22.

11-47.1-6. Licensed firearm dealers—Certificate of transfer.

- (a) If an owner of a grandfathered assault weapon sells or transfers the assault weapon to a federally licensed firearm dealer, such dealer shall, at the time of delivery of the firearm, in addition to any other reports required by law, execute a certificate of transfer and cause copies of the certificate of transfer to be mailed or delivered to the Superintendent of the State Police and the attorney general.
- (b) The certificate of transfer shall contain:
1. The date of sale or transfer;
 2. The name and address of the seller or transferor and their Social Security numbers or motor vehicle operator license numbers, if applicable;
 3. The federally licensed firearm dealer's federal firearms license number and seller or transferor's certificate of possession number;
 4. A description of the grandfathered assault weapon, including the caliber of the assault weapon and its make, model and serial number; and
 5. Any other information requested by the Superintendent of the State Police.
- (c) The federally licensed firearm dealer shall retain possession of the seller or transferor's certificate of possession and affix the certificate of possession to the certificate of transfer before mailing or delivering copies of the certificate of transfer to the Superintendent of the State Police and the attorney general.

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

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

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

SECTION 2. This act shall take effect upon passage.