

2015 -- H 5119

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Representative Anastasia P. Williams

Date Introduced: January 15, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-5, 11-47-8, 11-47-9 and 11-47-30 of the General Laws in
2 Chapter 11-47 entitled "Weapons" are hereby amended to read as follows:

3 **11-47-5. Possession of arms by person convicted of crime of violence or who is a**
4 **fugitive from justice. --** (a) No person who has been convicted in this state or elsewhere of a
5 crime of violence, or who has been convicted of an offense punishable as a misdemeanor offense
6 under § 12-29-2 or who is a fugitive from justice shall purchase, own, carry, transport, or have in
7 his or her possession any firearm.

8 ~~(b) Notwithstanding the provisions of subsection (a) of this section, no person convicted~~
9 ~~of an offense punishable as a felony offense under § 12-29-5 shall purchase, own, carry,~~
10 ~~transport, or have in his or her possession any firearm, for a period of two (2) years following the~~
11 ~~date of that conviction.~~

12 ~~(e)~~(b) No person who is in community confinement pursuant to the provisions of § 42-
13 56-20.2 or who is otherwise subject to electronic surveillance or monitoring devices as a
14 condition of parole shall purchase, carry, transport, or have in his or her possession any firearm.
15 This subsection shall not apply to any person who has not been convicted of (or pleaded guilty or
16 nolo contendere to) a crime of violence in a court of competent jurisdiction.

17 ~~(d)~~(c) Every person violating the provisions of this section shall, upon conviction, be
18 punished by imprisonment for not less than two (2) nor more than ten (10) years; and for
19 penalties provided in this section he or she shall not be afforded the benefit of suspension or

1 deferment of sentence nor of probation.

2 **11-47-8. License or permit required for carrying pistol -- Possession of machine gun.**

3 -- (a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-12
4 and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her
5 person whether visible or concealed, except in his or her dwelling house or place of business or
6 on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of
7 these sections shall not apply to any person who is the holder of a valid license or permit issued
8 by the licensing authority of another state, or territory of the United States, or political
9 subdivision of the state or territory, allowing him or her to carry a pistol or revolver in any
10 vehicle or conveyance or on or about his or her person whether visible or concealed, provided the
11 person is merely transporting the firearm through the state in a vehicle or other conveyance
12 without any intent on the part of the person to detain him or herself or remain within the state of
13 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as
14 otherwise provided in this chapter. Every person violating the provision of this section shall, upon
15 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by
16 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this
17 section shall not be afforded the provisions of suspension or deferment of sentence, nor a
18 probation.

19 (b) No person shall have in his or her possession or under his or her control any sawed-
20 off shotgun or sawed-off rifle as defined in § 11-47-2. Any person convicted of violating this
21 subsection shall be punished by imprisonment for up to ten (10) years, or by a fine of up to five
22 thousand dollars (\$5,000), or both.

23 (c) No person shall have in his or her possession or under his or her control any firearm
24 while the person delivers, possesses with intent to deliver, or manufactures a controlled
25 substance. Any person convicted of violating this subsection shall be punished by imprisonment
26 for not less than two (2) years nor more than twenty (20) years, and the sentence shall be
27 consecutive to any sentence the person may receive for the delivery, possession with intent to
28 deliver, or the manufacture of the controlled substance. It shall not be a defense to a violation of
29 this subsection that a person has a license or permit to carry or possess a firearm.

30 (d) No person shall carry a rifle or shotgun in any vehicle or conveyance or on or about
31 his or her person whether visible or concealed, except in his or her dwelling house or place of
32 business or on land possessed by him or her. Every person violating the provisions of this
33 subsection, shall, upon conviction, be punished by imprisonment for not less than one nor more
34 than ten (10) years, or by a fine up to ten thousand dollars (\$10,000), or both, except for a first

1 [conviction under this section, the person shall not be afforded the provisions of suspension or](#)
2 [deferment of sentence, nor probation. This subsection shall not apply to those persons engaged in](#)
3 [lawful hunting activity as provided in chapter 13 of title 20, lawful target shooting within this](#)
4 [state or lawfully engaged in any of the activities authorized by § 11-47-9.](#)

5 **11-47-9. Persons exempt from restrictions.** -- (a) The provisions of § 11-47-8 shall not
6 apply to sheriffs; deputy sheriffs; the superintendent and members of the state police; members of
7 the Rhode Island airport police department; members of the Rhode Island state marshals; Rhode
8 Island state fire marshal; chief deputy state fire marshals; deputy state fire marshals assigned to
9 the bomb squad, and those assigned to the investigation unit; Providence fire department arson
10 investigators, provided that the investigator receiving the permit is a graduate of a police-training
11 academy; correctional officers, within the department of corrections; members of the city or town
12 police force; capitol police investigators of the department of attorney general appointed pursuant
13 to § 42-9-8.1; the witness protection coordinator for the witness protection review board as set
14 forth in chapter 30 of title 12 and subject to the minimum qualifications of § 42-9-8.1; automobile
15 theft investigators of the Rhode Island state police pursuant to § 31-50-1; railroad police while
16 traveling to and from official assignments or while on assignments; conservation officers; or
17 other duly appointed law enforcement officers; nor to members of the Army, Navy, Air Force,
18 and Marine Corps of the United States, the National Guard, or organized reserves, when on duty;
19 nor to members of organizations by law authorized to purchase or receive firearms from the
20 United States or this state, provided these members are at, or going to or from, their places of
21 assembly or target practice; nor to officers or employees of the United States authorized by law to
22 carry a concealed firearm; nor to any civilian guard or criminal investigator carrying sidearms or
23 a concealed firearm in the performance of his or her official duties under the authority of the
24 commanding officer of the military establishment in the state of Rhode Island where he or she is
25 employed by the United States; nor to any civilian guard carrying sidearms or a concealed firearm
26 in the performance of his or her official duties under the authority of the adjutant general where
27 he or she is employed guarding a national guard facility, provided, that the commanding officer
28 of the military establishment shall have on file with the attorney general of this state a list of the
29 names and addresses of all civilian guards and criminal investigators so authorized; nor to duly
30 authorized military organizations when on duty; nor to members when at, or going to or from,
31 their customary places of assembly; nor to any individual employed in the capacity of warden,
32 associate warden, major, captain, lieutenant, sergeant, correctional officer or investigator at any
33 project owned or operated by a municipal detention facility corporation, including the Donald W.
34 Wyatt Detention Facility; nor to the regular and/or ordinary transportation of ~~pistols~~ [a pistol](#), ~~or~~

1 ~~revolvers~~ revolver, rifle, or a shotgun as merchandise; nor to any person while transporting a
2 pistol, or revolvers, unloaded from the place of purchase to their residence; or place of business,
3 from their residence to their place of business or from their place of business to their residence, or
4 to a federal firearms licensee for the purpose of sale, to or from a bona fide gunsmith, or firearms
5 repair facility, to any police station or other location designated as a site of a bona fide "gun buy-
6 back" program, but only if said pistol or revolver is unloaded and any ammunition for said pistol
7 or revolver is not readily or directly accessible from the passenger compartment of such vehicle
8 while transporting same and further provided, that in the case of a vehicle without a compartment
9 separate from the passenger compartment, the firearm or the ammunition shall be stored in a
10 locked container.

11 (b) Persons exempted by the provisions of this section from the provisions of § 11-47-8
12 shall have the right to carry concealed firearms everywhere within this state; provided, that this
13 shall not be construed as giving the right to carry concealed firearms to a person transporting
14 firearms as merchandise or as household or business goods.

15 **11-47-30. Sale, transfer or delivery of firearms to minors.** -- (a) It shall be unlawful
16 within this state for any person to sell, transfer, give, convey, or cause to be sold, transferred,
17 given or conveyed any firearm to any person under eighteen (18) years of age, when the person
18 knows or has reason to know that the recipient is under eighteen (18) years of age, except for the
19 limited purposes set forth in §§ 11-47-33 and 11-47-34 and with the prior approval or consent of
20 the parent or legal guardian of the minor.

21 (b) Every person violating ~~this section~~ subsection (a) of this section shall be punished,
22 upon conviction, by imprisonment for not less than ten (10) years and not more than twenty (20)
23 years. The prohibitions of this section shall not apply to any federally and state licensed retail
24 dealer who makes reasonable efforts to verify a purchaser's age and shall not apply to the sale of
25 an air rifle, air pistol, "blank gun" or "BB gun."

26 (c) If the firearm unlawfully sold, transferred, given, conveyed, or caused to be sold,
27 transferred, given or conveyed to any person under eighteen (18) years of age is used in a crime
28 of violence, the person found in violation of subsection (a) of this section, upon conviction, shall
29 be punished by imprisonment of not less than fifteen (15) years. The sentence shall be
30 consecutive to any sentence the person may receive for the underlying offense in subsection (a) of
31 this section.

32 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 - WEAPONS

1 This act would prohibit persons convicted of certain misdemeanor domestic offenses
2 from purchasing, owning, carrying, transporting, or having in his or her possession any firearm,
3 and would prohibit persons from carrying a rifle or shotgun in any vehicle or conveyance, except
4 upon his or her own property. This act would also provide additional penalties for transferring a
5 firearm to a minor, if that firearm is used in a crime of violence.

6 This act would take effect upon passage.

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