

2020 -- H 7957

=====
LC004357
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

—————
A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Canario, Bennett, Casey, Solomon, and Johnston

Date Introduced: March 04, 2020

Referred To: House Judiciary

(Dept. of Corrections)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-9 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is hereby amended to read as follows:

3 **11-47-9. Persons exempt from restrictions.**

4 (a) The provisions of § 11-47-8 shall not apply to sheriffs; deputy sheriffs; the
5 superintendent and members of the state police; members of the Rhode Island airport police
6 department; members of the Rhode Island state marshals; Rhode Island state fire marshal; chief
7 deputy state fire marshals; deputy state fire marshals assigned to the bomb squad, and those
8 assigned to the investigation unit; Providence fire department arson investigators, provided that
9 the investigator receiving the permit is a graduate of a police-training academy; correctional
10 officers, [chief inspector and inspectors](#), within the department of corrections; members of the city
11 or town police force; capitol police investigators of the department of attorney general appointed
12 pursuant to § 42-9-8.1; the witness protection coordinator for the witness protection review board
13 as set forth in chapter 30 of title 12 and subject to the minimum qualifications of § 42-9-8.1;
14 automobile theft investigators of the Rhode Island state police pursuant to § 31-50-1; railroad
15 police while traveling to and from official assignments or while on assignments; conservation
16 officers; or other duly appointed law enforcement officers; nor to members of the Army, Navy,
17 Air Force, and Marine Corps of the United States, the National Guard, or organized reserves,
18 when on duty; nor to members of organizations by law authorized to purchase or receive firearms
19 from the United States or this state, provided these members are at, or going to or from, their

1 places of assembly or target practice; nor to officers or employees of the United States authorized
2 by law to carry a concealed firearm; nor to any civilian guard or criminal investigator carrying
3 sidearms or a concealed firearm in the performance of his or her official duties under the
4 authority of the commanding officer of the military establishment in the state of Rhode Island
5 where he or she is employed by the United States; nor to any civilian guard carrying sidearms or a
6 concealed firearm in the performance of his or her official duties under the authority of the
7 adjutant general where he or she is employed guarding a national guard facility, provided, that the
8 commanding officer of the military establishment shall have on file with the attorney general of
9 this state a list of the names and addresses of all civilian guards and criminal investigators so
10 authorized; nor to duly authorized military organizations when on duty; nor to members when at,
11 or going to or from, their customary places of assembly; nor to any individual employed in the
12 capacity of warden, associate warden, major, captain, lieutenant, sergeant, correctional officer or
13 investigator at any project owned or operated by a municipal detention facility corporation,
14 including the Donald W. Wyatt Detention Facility; nor to the regular and/or ordinary
15 transportation of pistols or revolvers as merchandise; nor to any person while transporting a
16 pistol, or revolvers, unloaded from the place of purchase to their residence; or place of business,
17 from their residence to their place of business or from their place of business to their residence, or
18 to a federal firearms licensee for the purpose of sale, to or from a bona fide gunsmith, or firearms
19 repair facility, to any police station or other location designated as a site of a bona fide "gun buy-
20 back" program, but only if said pistol or revolver is unloaded and any ammunition for said pistol
21 or revolver is not readily or directly accessible from the passenger compartment of such vehicle
22 while transporting same and further provided, that in the case of a vehicle without a compartment
23 separate from the passenger compartment, the firearm or the ammunition shall be stored in a
24 locked container.

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

29 SECTION 2. Section 12-7-21 of the General Laws in Chapter 12-7 entitled "Arrest" is
30 hereby amended to read as follows:

31 **12-7-21. "Peace officer" defined.**

32 "Peace officer", as used within this chapter, means the following individuals or members
33 of:

34 (1) Rhode Island state police;

- 1 (2) Any member of a municipal or local police department;
- 2 (3) Rhode Island airport corporation police;
- 3 (4) Rhode Island park police;
- 4 (5) Rhode Island capitol police;
- 5 (6) Rhode Island conservation officers;
- 6 (7) Rhode Island department of environmental management officers;
- 7 (8) Rhode Island fire marshals;
- 8 (9) Brown University police officers;
- 9 (10) University of Rhode Island campus police officers;
- 10 (11) Rhode Island College campus security;
- 11 (12) Campus security at the Community College of Rhode Island;
- 12 (13) Rhode Island sheriff's department;
- 13 (14) The investigators of the department of attorney general appointed pursuant to § 42-
- 14 9-8.1;
- 15 (15) Any federal law enforcement officer;
- 16 (16) Correctional investigators, [chief inspector and inspectors within the office of](#)
- 17 [inspections](#), and correctional officers of the Rhode Island department of corrections;
- 18 (17) The witness protection coordinator of the department of attorney general;
- 19 (18) The warden, associate wardens, majors, captains, lieutenants, sergeants, correctional
- 20 officers and investigators employed by a project operated by a municipal detention facility
- 21 corporation, including, but not limited to, the Donald W. Wyatt Detention Facility; provided, such
- 22 parties listed in this subsection (18) herein shall be deemed to be peace officers while in
- 23 performance of their duties for the municipal detention facility only, and shall not be deemed to
- 24 be peace officers at any time when they are not in performance of said duties;
- 25 (19) Retired non-permanent sworn members of any municipal police department shall be
- 26 deemed to be peace officers only while in the performance of their duties for any municipal
- 27 police department, and shall be permitted to carry their firearm while in the performance of their
- 28 duties for the municipal police department, and shall be subject to in-service training
- 29 requirements of title 42, chapter 28;
- 30 (20) Auto theft investigators appointed pursuant to § 31-50-1;
- 31 (21) Providence fire department arson investigators; provided, that the arson investigator
- 32 is a graduate of a police-training academy; and
- 33 (22) Rhode Island School of Design police officers.

1 SECTION 3. This act shall take effect upon passage.

=====
LC004357
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- WEAPONS

- 1 This act would include the chief inspector and inspectors as those exempt from carrying a
- 2 firearm without a permit and would define them as peace officers.
- 3 This act would take effect upon passage.

=====
LC004357
=====