

2022 -- H 7569

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Cardillo, Phillips, Noret, Chippendale, Shanley, C Lima,  
Craven, Corvese, and Solomon

Date Introduced: February 18, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **11-47-2. Definitions.**

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

5 (1) "3D printing process" means 3D printing or additive manufacturing which is a process  
6 of making three (3) dimensional solid objects from a computer file and shall include any of various  
7 processes in which material is joined or solidified under computer control to create a three (3)  
8 dimensional object, with material being added together including liquid molecules, or powder  
9 grains.

10 (2) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.  
11 § 921.

12 (3) "Binary trigger" means a device that replaces a standard trigger on a semi-automatic  
13 weapon and is designed to fire one round on the pull of the trigger and another round upon release  
14 of the trigger.

15 (4) "Bump-fire stock" means any device that replaces a semi-automatic weapon's standard  
16 stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to rapidly fire  
17 the weapon.

18 (5) "Crime of violence" means and includes any of the following crimes or an attempt to  
19 commit any of them: murder, manslaughter, rape, first- or second-degree sexual assault, first- or

1 second-degree child molestation, kidnapping, first- and second-degree arson, mayhem, robbery,  
2 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or  
3 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a  
4 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-  
5 28-4.01.1 or § 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a  
6 dangerous weapon, assault or battery involving grave bodily injury, or assault with intent to commit  
7 any offense punishable as a felony; upon any conviction of an offense punishable as a felony  
8 offense under § 12-29-5.

9 (6) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB  
10 gun," or other instrument from which steel or metal projectiles are propelled, or that may readily  
11 be converted to expel a projectile, except crossbows, recurve, compound, or longbows, and except  
12 instruments propelling projectiles that are designed or normally used for a primary purpose other  
13 than as a weapon. The frame or receiver of the weapon shall be construed as a firearm under the  
14 provisions of this section.

15 (7) "Fugitive from justice" means any person who has fled from any state, territory, the  
16 District of Columbia, or possession of the United States to avoid prosecution for a crime of violence  
17 or to avoid giving testimony in any criminal proceeding.

18 (8) "Ghost gun" means a firearm, including a frame or receiver, that lacks a unique serial  
19 number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer,  
20 maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. It does  
21 not include a firearm that has been rendered permanently inoperable, or a firearm that is not  
22 required to have a serial number in accordance with the federal Gun Control Act of 1968.

23 (9) "Licensing authorities" means the board of police commissioners of a city or town  
24 where the board has been instituted, the chief of police or superintendent of police of other cities  
25 and towns having a regular organized police force, and, in towns where there is no chief of police  
26 or superintendent of police, it means the town clerk who may issue licenses upon the  
27 recommendation of the town sergeant, and it also means any other person or body duly authorized  
28 by the city or town charter or by state law.

29 (10) "Machine gun" means any weapon that shoots, is designed to shoot, or can be readily  
30 restored to shoot automatically more than one shot, without manual reloading, by a single function  
31 of the trigger. The term also includes the frame or receiver of the weapon, any combination of parts  
32 designed and intended for use in converting a weapon into a machine gun, and any combination of  
33 parts from which a machine gun can be assembled if the parts are in the possession or under the  
34 control of a person.

1 (11) "Major component" means, with respect to a firearm:

2 (i) The slide or cylinder or the frame or receiver of the firearm; and

3 (ii) In the case of a rifle or shotgun, includes the barrel of the firearm.

4 (12) "Person" includes an individual, partnership, firm, association, or corporation.

5 (13) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon with  
6 overall length less than twenty-six inches (26"), but does not include any pistol or revolver designed  
7 for the use of blank cartridges only.

8 (14) "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches  
9 (26") or barrel length of less than sixteen inches (16").

10 (15) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-six  
11 inches (26") or barrel length of less than eighteen inches (18").

12 (16) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,  
13 accept, and borrow, and "purchasing" shall be construed accordingly.

14 (17) "Suitable person" means any person who is not prohibited by state law from possessing  
15 a pistol or revolver. A person may be considered unsuitable if the licensing authority has clear and  
16 convincing evidence that the person is a clear and present danger to himself or herself, or to another  
17 person. Any person may be considered unsuitable if the law enforcement agency doing the  
18 background check or the department of attorney general has evidence which supports a good faith  
19 belief that the person is a member of a criminal street gang as defined in § 12-19-39(a).

20 ~~(17)~~(18) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-  
21 automatic weapon and causes the weapon to fire by turning the crank handle.

22 ~~(18)~~(19) "Undetectable firearm" means any firearm that:

23 (i) After removal of all parts, other than a major component, is not as detectable by walk-  
24 through metal detectors commonly used at airports or other public buildings; or

25 (ii) Any major component of which, if subjected to inspection by the types of detection  
26 devices commonly used at airports or other public buildings for security screening, would not  
27 generate an image that accurately depicts the shape of the component; or

28 (iii) Is manufactured wholly of plastic, fiberglass, or through a 3D printing process; or

29 (iv) Upon which the frame or receiver lacks a unique serial number engraved or cased into  
30 on the frame or receiver by a licensed manufacturer, maker, or importer under federal law, or  
31 markings in accordance with 27 C.F.R. § 479.102. Provided, however, this subsection shall not  
32 apply to any firearm rendered permanently inoperable or a firearm manufactured prior to 1968.

1 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

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1           This act would define suitable person and provide guidance on what an unsuitable person  
2 is relative to possessing a firearm. An unsuitable person being defined as one that is a clear and  
3 present danger to themselves or others or anyone that is a member of a criminal street gang as  
4 defined under § 12-19-39(a).

5           This act would take effect upon passage.

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