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MEMORANDUM

To: The Honorable Marvin L. Abney, Chairman, House Finance Committee
The Honorable Louis P. DiPalma, Chairman, Senate Finance Committee

From: Joseph Codega Jr., Budget Officer *John M. Codega Jr.*

Date: February 11, 2025

Subject: Amendments to the FY 2026 Appropriations Act (25-H-5076)

Governor's Budget Amendment #3

The Governor requests an amendment to the FY 2026 Appropriations Act to replace Article 11, Relating to Assault Weapons, in its entirety with the attached version. The provisions and policy goals underlying this amendment are outlined below.

Rhode Island Assault Weapons Ban Act of 2025. This amendment introduces clarifications and adjustments that reflect the Governor's intent after further collaboration with General Assembly partners and stakeholders. The amendment aligns with stand-alone legislation to be submitted by the House and Senate. The amendment revises definitions and updates the effective date as follows:

- Changes to the Definition of "Assault Weapon"
 - Additional features that qualify a semi-automatic shotgun as an assault weapon.
 - Reduces the threshold for a fixed magazine capacity from eight rounds to six rounds, consistent with last year's standalone legislation.
 - Adds language describing "a pistol, or a thumbhole stock, or any feature capable of functioning as a protruding grip that can be held by the non-trigger hand" as part of a qualifying feature.
 - Eliminates "grenade launcher" as a qualifying feature.
 - Rearranges the list of qualifying features so that certain features are considered only when present in addition to a detachable magazine, rather than independently as originally recommended.

- Additional features that qualify a semi-automatic rifle that is capable of accepting a detachable magazine as an assault weapon.
 - Removes redundant explanatory language from the description of a folding, telescoping, or detachable stock, which is already included in the subsequent definition of “Folding, telescoping or detachable stock.”
 - Adds pistol grip or thumbhole stock and flash suppressor or threaded barrel designed to accommodate a flash suppressor as qualifying features, consistent with last year’s stand-alone legislation.
- Additional features that qualify a semi-automatic pistol that is capable of accepting a detachable magazine as an assault weapon.
 - Strikes “non-pin-welded” from the description of the flash suppressor.
- Modifies the definition of “secure storage” by adding a reference to R.I. Gen. Laws § 11-47-60.1, entitled “Safe Storage – Unsafe Storage of a Firearm.”
- Establishes January 1, 2026, as the effective date. The original recommendation had been effective upon passage.

If you have any questions regarding these amendments, please reach out to Karyn Lowe, Policy Director, in the Office of Governor Daniel J. McKee.

cc: Sharon Reynolds Ferland, House Fiscal Advisor
Stephen Whitney, Senate Fiscal Advisor
Brian Daniels, Director, Office of Management and Budget
Jonathan Womer, Director of Administration

H 5076, RELATING TO MAKING APPROPRIATIONS IN SUPPORT OF FY 2026

Article 11 – Relating to Assault Weapons

Strike all language from Page 262, Line 3 through Page 269, Line 18 and replace with the following:

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

CHAPTER 47.2

RHODE ISLAND ASSAULT WEAPONS BAN ACT OF 2025

11-47.2-1. Short title.

This chapter shall be known and may be cited as the "Rhode Island Assault Weapons Ban Act of 2025."

11-47.2-2. Definitions.

When used in this chapter:

(1) "Ammunition feeding device" means a magazine, box, drum, tube, belt, feed strip, or device which is capable of holding ammunition to be fed continuously and directly therefrom into a semi-automatic firearm. 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 that has at least one of the following:

(A) A fixed magazine capacity exceeding six (6) rounds;

(B) The ability to accept a detachable magazine, or that may be readily modified to accept a detachable magazine, and has either a folding, telescoping, or detachable stock, or a pistol grip, or a thumbhole stock, or any feature capable of functioning as a protruding grip that can be held by the non-trigger hand.

(ii) Any shotgun with a revolving cylinder.

(iii) A semi-automatic rifle with a fixed magazine capacity exceeding ten (10) rounds.

(iv) A semi-automatic rifle that has the ability to accept a detachable magazine, or that may be

readily modified to accept a detachable magazine, and has at least one of the following features:

(A) A folding, telescoping, or detachable stock;

(B) A bayonet mount;

(C) A grenade launcher;

(D) A shroud attached to the barrel or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, except an extension of the stock along the bottom of the barrel, which does not encircle or substantially encircle the barrel.

(E) A pistol grip or thumbhole stock; or

(F) A flash suppressor or threaded barrel designed to accommodate a flash suppressor;

(v) A semi-automatic pistol that has a fixed magazine capacity exceeding ten (10) rounds.

(vi) A semi-automatic pistol that has an ability to accept a detachable magazine, or that may be readily modified to accept a detachable magazine, and has at least one of the following:

(A) The capacity to accept an ammunition magazine at a location 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 but excluding a slide that encloses the barrel;

(D) A manufactured weight of fifty ounces (50 oz.) or more when the pistol is unloaded; or

(E) A buffer tube, arm brace, or other part that protrudes horizontally behind the pistol grip and is designed or redesigned to allow or facilitate firing the weapon from the shoulder.

(vii) A semi-automatic firearm that has the capacity to accept belt ammunition feeding device.

(viii) Any firearm that has been modified to be operable as an assault weapon as defined in this section.

(ix) A combination of parts in the possession or under the control of the same person from which an assault weapon as defined in this section may be readily assembled.

(x) "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.

(3) "Detachable magazine" means an ammunition feeding device that attaches to a firearm and which can be removed without disassembly of the firearm, including an ammunition feeding device that may be readily removed from a firearm with the use of a bullet, cartridge, accessory, or other tool, or any other object that functions as a tool.

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

(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, or contained in and not removable from a firearm, or that is otherwise not a detachable magazine, but does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(6) "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.

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

(8) "Grandfathered assault weapon" means any assault weapon for which a certificate of possession has been issued pursuant to § 11-47.2-4.

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

(10) "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 firearm to be held and fired with one hand.

(11) "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 pursuant to § 11-47- 60.1.

(12) "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.

(13) "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.

11-47.2-3. 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 the assault weapon shall be subject to forfeiture.

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

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

(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 chapter; or

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

(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;

(iv) Surrenders the assault weapon to any police station or other location designated as a site of a bona fide "gun buy-back" program, but only if said weapon is unloaded and any ammunition for said weapon is not readily or directly accessible from the passenger compartment of such vehicle while transporting same; and further, provided, that in the case of a vehicle without a compartment separate from the passenger compartment, the weapon or the ammunition shall be stored in a locked container; or

(v) Transfers or sells the assault weapon to a federally licensed firearm dealer or person or firm

lawfully entitled to own or possess such weapon.

(2) A federally licensed firearms dealer who manufactures, purchases, possesses or has under his or her control an assault weapon, or who sells, offers to sell, or transfers an assault weapon to another federally licensed firearms dealer, to an entity identified in subsection (b)(3) of this section, or to an individual outside the state who may lawfully possess such weapon.

(3) A law enforcement agency, acting under authority of the United States, the state or any of its political subdivisions, to import, possess, or transfer an assault weapon.

(4) A law enforcement officer to possess or have under his or her control an assault weapon received through the authority of the United States or any department or agency thereof; a state or a department, agency, or political subdivision thereof; a municipality or a department or agency thereof or a federally recognized Indian tribe or a department or agency thereof for purposes of employment provided said officer is not otherwise prohibited from receiving such a weapon and who is either:

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

(ii) A qualified law enforcement officer under 18 U.S.C. § 926B(c) and who is carrying the identification required by 18 U.S.C. § 926B(d);

(d) Notwithstanding subsection (a) of this section, an active duty member of the armed forces of the United States or the national guard, or a member of the United States military reserves, may possess or have under his or her control an assault weapon when he or she is acting in the commission of the member's official duty.

(e) 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 heir(s) or estate of the deceased person shall have one hundred eighty (180) days from the date of death to transfer the firearm to a federally licensed firearm 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 § 11-47.2-4; or, render such weapon

permanently inoperable.

(f) If the owner of an assault weapon elects to render such weapon permanently 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 permanently 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, "permanently inoperable" means that the assault weapon is altered in such a manner that it is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

11-47.2-4. Registration of assault weapons.

(a) Notwithstanding the provisions of § 11-47-41, the owner of an assault weapon lawfully possessed on or before the effective date of this chapter shall have one year from the effective date of this chapter to register that weapon. 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 lawful possession of firearms; and,

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

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

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

(2) The make, model, caliber, and serial number of the assault weapon being registered; 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 a Rhode Island state police barracks.

(d) Within ninety (90) days of the effective date of this chapter, 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 § 11-47.2-3(f), 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 the effective date of this chapter must submit a separate registration statement to obtain a certificate of possession for each of the assault weapons of which they wish to retain possession; provided, however, that only one registration fee of twenty-five dollars (\$25.00) shall be collected pursuant to subsection (a)(3) of this section.

(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 state or federal law enforcement officers and state and federal probation and parole officers acting in the performance of their duties.

11-47.2-5. 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 chapter, may possess the assault weapon only under the following conditions:

(1) At that person's residence, or place of business or other property owned by that person, except the grandfathered assault weapon shall be kept in secure storage when not in the immediate possession and

control and as required by § 11-47-60.1;

(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 federally licensed firearm dealer for servicing, repair or sale; or

(6) While transporting an assault weapon for lawful use between any of the places set forth in subsections (a)(1) through (a)(5) of this section or for lawful use out-of-state; provided, the assault weapon is placed in a secure storage.

(b) 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.

11-47.2-6. 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 full name, date of birth, address, motor vehicle operator's license number or state identification card number of the seller or transferor;

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

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

(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 another federally licensed firearm dealer for the purpose of servicing or repairing the firearm.

11-47.2-7. Severability.

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

SECTION 2. This article shall take effect on January 1, 2026.