

2015 -- S 0727

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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: Senators Miller, Goldin, Metts, Goodwin, and Pichardo

Date Introduced: March 19, 2015

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-5 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is 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.~~ For purposes of subsection (a) of this section:

12 (1) Offenses punishable as a petty misdemeanor under § 12-29-2 shall not be construed as
13 an offense punishable as a misdemeanor offense under § 12-29-2; and

14 (2) A person shall not be considered to have been convicted of an offense if the
15 conviction has been expunged or set aside, or is an offense for which the person has been
16 pardoned or has had civil rights restored, unless the pardon, expungement, or restoration of civil
17 rights expressly provides that the person may not purchase, own, carry, transport, or have in his or
18 her possession any firearm.

19 (c) No person who is in community confinement pursuant to the provisions of § 42-56-

1 20.2 or who is otherwise subject to electronic surveillance or monitoring devices as a condition of
2 parole shall purchase, carry, transport, or have in his or her possession any firearm. This
3 subsection shall not apply to any person who has not been convicted of (or pleaded guilty or nolo
4 contendere to) a crime of violence in a court of competent jurisdiction.

5 (d) Every person violating the provisions of this section shall, upon conviction, be
6 punished by imprisonment for not less than two (2) nor more than ten (10) years; and for
7 penalties provided in this section he or she shall not be afforded the benefit of suspension or
8 deferment of sentence nor of probation.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES - WEAPONS

1 This act would prohibit any person convicted of a misdemeanor offense under § 12-29-2
2 (a crime involving domestic violence) from purchasing, owning, transporting, carrying, or
3 possessing any firearm. Offenses punishable as petty misdemeanors would be excluded from this
4 prohibition. Further, it would provide that those people who have had their convictions expunged,
5 set aside, or who have had their civil rights restored would not be considered a prohibited person
6 under this chapter.

7 This act would take effect upon passage.

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