

2015 -- S 0520

LC001349

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senator Maryellen Goodwin

Date Introduced: February 26, 2015

Referred To: Senate Judiciary

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, convicted of an offense punishable as a misdemeanor offense under § 12-29-5,  
6 or who is a fugitive from justice shall purchase, own, carry, transport, or have in his or her  
7 possession any firearm.

8 (b) For the purposes of this section:

9 (1) Offenses punishable as a petty misdemeanor offense under § 12-29-5 shall not be  
10 construed as a "misdemeanor offense of domestic violence."

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

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

1           (c) No person who is in community confinement pursuant to the provisions of § 42-56-  
2 20.2 or who is otherwise subject to electronic surveillance or monitoring devices as a condition of  
3 parole shall purchase, carry, transport, or have in his or her possession any firearm. This  
4 subsection shall not apply to any person who has not been convicted of (or pleaded guilty or nolo  
5 contendere to) a crime of violence in a court of competent jurisdiction.

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would preclude those persons convicted of a misdemeanor offense involving  
2 domestic violence from possessing a weapon or firearm. This act would also exclude those  
3 individuals whose records have been properly expunged.

4           This act would take effect upon passage.

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