

2026 -- H 8434

LC006291

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO CRIMINAL PROCEDURE -- SENTENCING ENHANCEMENT FOR
FIREARM RELATED OFFENSES -- NYNY'S LAW

Introduced By: Representatives O'Brien, Dawson, Craven, Noret, Read, Phillips,
Azzinaro, Solomon, Casey, and Corvese

Date Introduced: April 10, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-19-39 of the General Laws in Chapter 12-19 entitled "Sentence
2 and Execution" is hereby amended to read as follows:

3 **12-19-39. Criminal street gang enhancement.**

4 (a) "Criminal street gang" means an ongoing organization, association, or group of three
5 (3) or more persons, whether formal or informal, having as one of its primary activities the
6 commission of criminal or delinquent acts; having an identifiable name or common identifiable
7 signs, colors, or symbols; and whose members individually or collectively engage in, or have
8 engaged in, a pattern of criminal gang activity.

9 (b) Any person who is convicted of any felony that is knowingly committed for the benefit,
10 at the direction of, or in association with any criminal street gang or criminal street gang member,
11 with the intent to promote, further, or assist in the affairs of a criminal street gang or criminal
12 conduct by criminal street gang members, in addition to the sentence provided for the commission
13 of the underlying offense, shall be subject to imprisonment for an additional term of not more than
14 ten (10) years.

15 (c) Any person who is convicted of any offense constituting first or second degree murder
16 that is knowingly committed for the benefit, at the direction of, or in association with any criminal
17 street gang or criminal street gang member, with the intent to promote, further, or assist in the
18 affairs of a criminal street gang or criminal conduct by criminal street gang members, in addition

1 to the sentence provided for the commission of the underlying offense, shall be sentenced to an
2 additional term of imprisonment of ten (10) years.

3 ~~(e)~~(d) Whenever it appears that a person may be subject to the enhanced sentence in this
4 section, the attorney general, in no case later than the first pretrial conference, shall file with the
5 court a notice specifying that the defendant, upon conviction, is subject to the imposition of
6 sentencing in accordance with this section.

7 ~~(e)~~(e) Upon any plea of guilt or nolo contendere, or verdict or finding of guilt of the
8 defendant, the court shall conduct a sentencing hearing. At the hearing, the court shall permit the
9 attorney general and the defense to present additional evidence to the jury relevant to the
10 determination of whether the defendant knowingly committed the offense for the benefit, at the
11 direction of, or in association with any criminal street gang or criminal street gang member, with
12 the intent to promote, further, or assist in the affairs of a criminal street gang or criminal conduct
13 by criminal street gang members. If the jury at the hearing, or in the case of a plea of guilty or nolo
14 contendere, the court at sentencing, determines beyond a reasonable doubt that the defendant's
15 actions were so motivated, he or she shall be sentenced as provided in subsection (b).

16 ~~(e)~~(f) This section does not create a separate offense but provides an additional enhanced
17 sentence for the underlying offense.

18 ~~(e)~~(g) The enhanced sentence provided in this section shall run consecutively to the
19 sentences provided for the underlying offenses.

20 SECTION 2. Chapter 12-19 of the General Laws entitled "Sentence and Execution" is
21 hereby amended by adding thereto the following section:

22 **12-19-39.1. Sentencing enhancement for certain firearm related offenses -- NyNy's**
23 **law.**

24 (a) Any person who uses, aids and abets or conspires to use a ghost gun as defined in § 11-
25 47-2(9), a stolen firearm as defined in § 11-47-5.2, a modified semi-automatic weapon as defined
26 in § 11-47-8.1, a large capacity feeding device as defined in § 11-47.1-2, a prohibited firearm as
27 defined in § 11-47.2-1, and during the use of any enumerated firearm, is a prohibited person as
28 defined in § 11-47-5, is an alien in possession of any firearm as defined in § 11-47-7, possesses or
29 uses any firearm during the commission of any felony as defined in § 11-47-20.2 or engages in any
30 drive by shooting in violation of § 11-47-61, resulting in the death of any person and which would
31 constitute first or second degree murder, shall, in addition to any other penalty imposed, be
32 imprisoned for a period of five (5) years which shall run consecutively to any other sentence.

33 (b) This section does not create a separate offense but provides an additional enhanced
34 sentence for the underlying offense.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO CRIMINAL PROCEDURE -- SENTENCING ENHANCEMENT FOR
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1 This act would provide for sentencing enhancements for any person using prohibited
2 firearms, being a prohibited person or engaging in certain other firearm related offenses resulting
3 in death and constituting first or second degree murder.

4 This act would take effect upon passage.

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