

2023 -- H 6069

LC002078

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Knight, Tanzi, Boylan, Dawson, Slater, and Shanley

Date Introduced: March 03, 2023

Referred To: House 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" is  
2 hereby amended to read as follows:

3 **11-47-5. Possession of firearms by certain persons prohibited.**

4 (a) No person shall purchase, own, carry, transport, or have in his or her possession any  
5 firearm if that person:

6 (1) Has been convicted in this state or elsewhere of a crime of violence;

7 (2) Has, in this state or elsewhere, entered a plea of nolo contendere to or been convicted  
8 of a felony;

9 ~~(3)~~ (3) Is a fugitive from justice;

10 ~~(4)~~ (4) Has, in this state or elsewhere, entered a plea of nolo contendere to or been convicted  
11 of an offense punishable as a felony under § 12-29-5; or

12 ~~(5)~~ (5) Has, in this state or elsewhere, entered a plea of nolo contendere to or been convicted  
13 of any of the following offenses punishable as a misdemeanor under § 12-29-5:

14 (i) Simple assault (§ 11-5-3);

15 (ii) Cyberstalking and cyberharassment (§ 11-52-4.2);

16 (iii) Violation of a protective order (as set forth in § 12-29-2(a)(10)); or

17 (iv) Disorderly conduct (§ 11-45-1).

18 (A) A disorderly conduct conviction shall result in prohibition under this section if and  
19 only if the offense involves the use or attempted use of force or the threatened use of a dangerous

1 weapon.

2 ~~(5)~~(6) The provisions of this subsection shall apply to all persons who enter a plea of nolo  
3 contendere to or have been convicted of any of the offenses specified in subsections (a)~~(3)~~(4) and  
4 (a)~~(4)~~(5) of this section, unless and until that person's matter has been expunged, or upon the  
5 completion of the sentence of a one-year filing, or the end of a one-year probationary period that  
6 no longer constitutes a conviction pursuant to § 12-18-3.

7 (b) No person shall purchase, carry, transport, or have in his or her possession any firearm  
8 if that person is subject to an order issued pursuant to chapter 15 of title 15, chapter 8.1 of title 8,  
9 or an equivalent order in this state or elsewhere, which order was issued after the person restrained  
10 has received notice of the proceedings and had an opportunity to be heard.

11 (c) No person who is in community confinement pursuant to the provisions of § 42-56-  
12 20.2, or who is otherwise subject to electronic surveillance or monitoring devices as a condition of  
13 parole, shall purchase, carry, transport, or have in his or her possession any firearm. This subsection  
14 shall not apply to any person who has not been convicted of (or pleaded guilty or nolo contendere  
15 to) a crime of violence in a court of competent jurisdiction.

16 (d) Every person violating the provisions of this section, with the exception of subsection  
17 (a)(2) of this section, shall, upon conviction, be punished by imprisonment for not less than two (2)  
18 ~~nor, but not~~ more than ten (10) years;~~and for penalties provided in this section he or she shall not~~  
19 ~~be afforded the benefit of suspension or deferment of sentence nor of probation~~, of which the court  
20 may not suspend the first two (2) years of the sentence.

21 (e) Every person violating the provisions of subsection (a)(2) of this section shall be  
22 punished by imprisonment for not more than ten (10) years.

23 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 disqualify individuals with prior felony convictions from purchasing or  
2 possessing a firearm.

3           This act would take effect upon passage.

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