2014 -- H 7588

LC004419

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

AN ACT

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Walsh, and O'Neill

Date Introduced: February 26, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 11-47-51.1 of the General Laws in Chapter 11-47 entitled

2 "Weapons" is hereby amended to read as follows:

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11-47-51.1. Discharge of firearm or incendiary or explosive substance or device

from motor vehicle Discharge of firearm or incendiary or explosive substance or device

from motor vehicle or aircraft. -- (a) (1) No person shall unlawfully discharge a firearm or

6 incendiary or explosive substance or device from a motor vehicle or any aircraft in a manner

7 which creates a substantial risk of death or serious personal injury to another person. Every

8 person violating the provisions of this section shall be punished by imprisonment for not less than

ten (10) years nor more than twenty (20) years and shall be fined not less than five thousand

dollars (\$5,000.00) nor more than fifty thousand dollars (\$50,000.00), or both.

(2) In all cases under this subsection, the justice imposing sentence shall impose not less

than the minimum sentence of ten (10) years imprisonment and may only impose a sentence less

than that minimum if he or she finds that substantial and compelling circumstances exist which

justify imposition of the alternative sentence. The finding may be based upon the character and

background of the defendant, the cooperation of the defendant with law enforcement authorities,

16 the nature and circumstances of the offense and/or the nature and quality of the evidence

presented at trial. If a sentence which is less than imprisonment for a term of ten (10) years is

imposed, the trial justice shall set forth on the record the circumstances which he or she found as

justification for imposition of the lesser sentence.

- 1 (b) Any person injured as a result of a violation of this section shall be entitled to the 2 civil remedies provided by section 7-15-4.
- 3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO CRIMINAL OFFENSES -- WEAPONS

This act would make it a felony to discharge a firearm or incendiary or explosive device
aboard an aircraft.

This act would take effect upon passage.

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