

2017 -- H 5156

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS - STUN-GUNS

Introduced By: Representatives Lima, Fellela, Marshall, and Roberts

Date Introduced: January 19, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-8 and 11-47-42 of the General Laws in Chapter 11-47  
2 entitled "Weapons" are hereby amended to read as follows:

3 ~~11-47-8. License or permit required for carrying pistol -- Possession of machine gun.~~  
4 **License or permit required for carrying pistol or stun-gun. -- Possession of machine gun.**

5 (a) No person shall, without a license or permit issued as provided in §§ 11-47-11, 11-47-  
6 12 and 11-47-18, carry a pistol, ~~or~~ revolver, or stun-gun in any vehicle or conveyance or on or  
7 about his or her person whether visible or concealed, except in his or her dwelling house or place  
8 of business or on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The  
9 provisions of these sections shall not apply to any person who is the holder of a valid license or  
10 permit issued by the licensing authority of another state, or territory of the United States, or  
11 political subdivision of the state or territory, allowing him or her to carry a pistol or revolver in  
12 any vehicle or conveyance or on or about his or her person whether visible or concealed, provided  
13 the person is merely transporting the firearm through the state in a vehicle or other conveyance  
14 without any intent on the part of the person to detain him or herself or remain within the state of  
15 Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as  
16 otherwise provided in this chapter. Every person violating the provision of this section shall, upon  
17 conviction, be punished by imprisonment for not less than one nor more than ten (10) years, or by  
18 a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this  
19 section shall not be afforded the provisions of suspension or deferment of sentence, nor a

1 probation.

2 (b) No person shall have in his or her possession or under his or her control any sawed-  
3 off shotgun or sawed-off rifle as defined in § 11-47-2. Any person convicted of violating this  
4 subsection shall be punished by imprisonment for up to ten (10) years, or by a fine of up to five  
5 thousand dollars (\$5,000), or both.

6 (c) No person shall have in his or her possession or under his or her control any firearm  
7 while the person delivers, possesses with intent to deliver, or manufactures a controlled  
8 substance. Any person convicted of violating this subsection shall be punished by imprisonment  
9 for not less than two (2) years nor more than twenty (20) years, and the sentence shall be  
10 consecutive to any sentence the person may receive for the delivery, possession with intent to  
11 deliver, or the manufacture of the controlled substance. It shall not be a defense to a violation of  
12 this subsection that a person has a license or permit to carry or possess a firearm.

13 **11-47-42. Weapons other than firearms prohibited.**

14 (a) (1) No person shall carry or possess or attempt to use against another any instrument  
15 or weapon of the kind commonly known as a blackjack, slingshot, billy, sandclub, sandbag, metal  
16 knuckles, slap glove, bludgeon, ~~stun-gun~~, or the so called "Kung-Fu" weapons.

17 (2) No person shall with intent to use unlawfully against another, carry or possess a  
18 crossbow, dagger, dirk, stiletto, sword-in-cane, bowie knife, or other similar weapon designed to  
19 cut and stab another.

20 (3) No person shall wear or carry concealed upon his person, any of the above-mentioned  
21 instruments or weapons, or any razor, or knife of any description having a blade of more than  
22 three (3) inches in length measuring from the end of the handle where the blade is attached to the  
23 end of the blade, or other weapon of like kind or description.

24 Any person violating the provisions of these subsections shall be punished by a fine of  
25 not more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or  
26 both, and the weapon so found shall be confiscated.

27 Any person violating the provisions of these subsections while he or she is incarcerated  
28 within the confines of the adult correctional institutions shall be punished by a fine of not less  
29 than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by  
30 imprisonment for not less than one year nor more than five (5) years, or both, and the weapon so  
31 found shall be confiscated.

32 (b) No person shall sell to a person under eighteen (18) years of age, without the written  
33 authorization of the minor's parent or legal guardian, any stink bomb, blackjack, slingshot, bill,  
34 sandclub, sandbag, metal knuckles, slap glove, bludgeon, stungun, paint ball gun, so called

1 "kung-fu" weapons, dagger, dirk, stiletto, sword-in-cane, bowie knife, razor, or knife of any  
2 description having a blade of more than three inches (3") in length as described in subsection (a)  
3 of this section, or any multi-pronged star with sharpened edges designed to be used as a weapon  
4 and commonly known as a Chinese throwing star, except that an individual who is actually  
5 engaged in the instruction of martial arts and licensed under § 5-43-1 may carry and possess any  
6 multi-pronged star with sharpened edges for the sole purpose of instructional use. Any person  
7 violating the provisions of this subsection shall be punished by a fine of not less than one  
8 thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment for  
9 not less than one year nor more than five (5) years, or both, and the weapons so found shall be  
10 confiscated.

11 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 - STUN-GUNS

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- 1           This act would permit the possession of a stun-gun under the same license conditions
- 2   which apply to possession of a pistol.
- 3           This act would take effect upon passage.

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