

2014 -- H 7588

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LC004419
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

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:

1 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:

3 ~~11-47-51.1. Discharge of firearm or incendiary or explosive substance or device~~
4 ~~from motor vehicle~~ **Discharge of firearm or incendiary or explosive substance or device**
5 **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
9 ten (10) years nor more than twenty (20) years and shall be fined not less than five thousand
10 dollars (\$5,000.00) nor more than fifty thousand dollars (\$50,000.00), or both.

11 (2) In all cases under this subsection, the justice imposing sentence shall impose not less
12 than the minimum sentence of ten (10) years imprisonment and may only impose a sentence less
13 than that minimum if he or she finds that substantial and compelling circumstances exist which
14 justify imposition of the alternative sentence. The finding may be based upon the character and
15 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
17 presented at trial. If a sentence which is less than imprisonment for a term of ten (10) years is
18 imposed, the trial justice shall set forth on the record the circumstances which he or she found as
19 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
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- 1 This act would make it a felony to discharge a firearm or incendiary or explosive device
- 2 aboard an aircraft.
- 3 This act would take effect upon passage.

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