

2014 -- S 2387

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LC003659
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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: Senators Hodgson, and Jabour

Date Introduced: February 12, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-8 of the General Laws in Chapter 11-47 entitled "Weapons"

2 is hereby amended to read as follows:

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

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

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

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

12 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 remove the "first conviction" exception to the requirement of mandatory
- 2 jail sentencing for the manufacture, sale, purchase, or possession of a machine gun.
- 3 This act would take effect upon passage.

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