

2019 -- H 5884

LC002202

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Lima, Solomon, Ucci, Corvese, and Casey

Date Introduced: March 21, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Preamble: The United States Supreme Court has held that the Second
2 Amendment of the United States Constitution extends to all instruments that constitute bearable
3 arms, even those that were not in existence at the time of the founding, and that the Second
4 Amendment is fully applicable to the States. Further that the Second Amendment protects the
5 possession of stun guns as a legitimate means of self-defense and that a categorical ban on
6 possessing or owning such a weapon violates the Second Amendment, and therefore by
7 application violates Article 1, Section 22 of the Constitution of the State of Rhode Island.

8 SECTION 2. Section 11-47-42 of the General Laws in Chapter 11-47 entitled "Weapons"
9 is hereby amended to read as follows:

10 **11-47-42. Weapons other than firearms prohibited.**

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

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

17 (3) No person shall wear or carry concealed upon his person, any of the above-mentioned
18 instruments or weapons, or any razor, or knife of any description having a blade of more than
19 three (3) inches in length measuring from the end of the handle where the blade is attached to the

1 end of the blade, or other weapon of like kind or description.

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

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

10 (b) No person shall sell to a person under eighteen (18) years of age, without the written
11 authorization of the minor's parent or legal guardian, any stink bomb, blackjack, slingshot, bill,
12 sandclub, sandbag, metal knuckles, slap glove, bludgeon, stungun, paint ball gun, so called
13 "kung-fu" weapons, dagger, dirk, stiletto, sword-in-cane, bowie knife, razor, or knife of any
14 description having a blade of more than three inches (3") in length as described in subsection (a)
15 of this section, or any multi-pronged star with sharpened edges designed to be used as a weapon
16 and commonly known as a Chinese throwing star, except that an individual who is actually
17 engaged in the instruction of martial arts and licensed under § 5-43-1 may carry and possess any
18 multi-pronged star with sharpened edges for the sole purpose of instructional use. Any person
19 violating the provisions of this subsection shall be punished by a fine of not less than one
20 thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment for
21 not less than one year nor more than five (5) years, or both, and the weapons so found shall be
22 confiscated.

23 SECTION 3. 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

- 1 This act would make the possession and ownership of stun guns legal.
- 2 This act would take effect upon passage.

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