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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5890

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES – WEAPONS

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender has concerns about HB5890, a bill that seeks to amend 11-47-33 by making the mere possession of a firearm by a minor unlawful, eliminating the use requirement as an element of the crime. We believe that the current language of the bill conflicts with other sections of the Rhode Island General Laws.

To address this concern, we recommend that HB5890 be amended to ensure consistency with other sections of Rhode Island's weapon statutory scheme. Specifically, we suggest the inclusion of the following language:

(c) The prohibitions of this section shall not apply to the possession of an air rifle, air pistol, "blank gun," or "BB gun."

The proposed amendment aligns with existing language in other sections of Chapter 47 and serves to protect otherwise lawful conduct, while still accomplishing the legislative intent of removing the "use" element of the crime. *See* R.I.G.L. § 11-47-30 (Transfer or delivery of firearms to minors); § 11-47-31 (Sale, transfer or delivery of ammunition to minors). We believe that this modification will enhance the clarity and effectiveness of the legislation, by maintaining consistency within Rhode Island's existing legal framework.

We appreciate your consideration of our recommendations.

Sincerely,



Megan F. Jackson

Legislative Liaison

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