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**TESTIMONY ON 25-H 5933 and H-5934,
RELATING TO CRIMINAL OFFENSES -- WEAPONS
March 26, 2025**

This legislation would eliminate a current state ban on the possession of “stun guns” and establish penalties for their illegal use. The ACLU of Rhode Island offers the following brief general comments on this bill.

First, we agree that the state’s current ban on the possession of “stun guns” is likely unconstitutional. The U.S. Supreme Court’s decision in *Caetano v. Massachusetts*, 577 U.S. 411 (2016), and the Massachusetts Supreme Judicial Court’s subsequent decision in *Ramirez v. Commonwealth*, 94 N.E.3d 809 (Mass. 2018), appear to lead to this conclusion. However, we take no position at this time on the standards that should be in place to regulate this weapon.

However, we oppose the various penalty provisions that the bill would establish for their illegal use. Specifically, in a number of circumstances, a conviction would lead to the imposition of mandatory minimum sentences. Mandatory minimum sentences are, in our view, contrary to basic principles of judicial discretion and due process and should be summarily rejected.

We appreciate the Committee’s consideration of our views.