

OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492

FAX: (401) 222-3287

EMAIL TO: info@ripd.org

WEBSITE: www.ripd.org

April 7, 2026

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8067

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **opposes** House Bill No. 8067, which proposes to prohibit **all** persons with any felony conviction from owning or possessing a firearm and makes changes to the penalty for violations of the statute. We believe that this proposed legislation raises important constitutional and policy considerations that warrant careful examination.

First, we are concerned that the broad, categorical prohibition on firearm possession for all individuals with a felony conviction may violate the Second Amendment. The U.S. Supreme Court has repeatedly emphasized that the Second Amendment is not a “second-class right” but a fundamental constitutional protection. In *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022), the Court held that firearm regulations must be consistent with the nation’s historical tradition of firearm regulation, reinforcing that the right to keep and bear arms is not subject to a different or lower standard than other constitutional rights.

Similarly, in *McDonald v. City of Chicago*, 561 U.S. 742 (2010), the Court explicitly rejected the notion that the Second Amendment should be treated as a lesser right than others in the Bill of Rights, stating that “the right to keep and bear arms is not a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.” Blanket prohibitions, such as H8067’s lifetime firearm ban for all felons, regardless of the nature of their offense, fail to recognize that the Second Amendment protects an individual right no less than the First or Fourth Amendments.

Currently, the statute prevents those with a conviction for a “crime of violence” from owning a firearm. This provision covers a wide swath of felonies and strikes the balance between safety and the Second Amendment. Under the current scheme, anyone convicted of **any** of these felonies—such as murder, manslaughter, robbery, breaking and entering, burglary, assault with a dangerous weapon, sexual assault, kidnapping, among many others—cannot legally own a weapon. It makes sense to prevent individuals convicted of these violent felonies from possessing firearms, but preventing **all** felons from doing so runs the risk of throwing the proverbial baby out with the bathwater. There are dozens—if not hundreds—of non-violent felonies on our books, and it would be problematic to disarm every citizen who has run afoul of even the most minor of these

statutes. For example, a crime as non-violent as a second-offense shoplifting can become a felony if the stolen goods total more than \$100, but the nexus between a second-offense shoplifting and gun violence simply doesn't exist.

A broad lifetime ban that applies indiscriminately to all individuals with a felony record without any individualized assessment of risk, rehabilitation, or the nature of the offense goes beyond the type of firearm regulations historically recognized as valid. Such an approach risks violating the constitutional framework outlined in *Bruen* and may be subject to legal challenge.

Additionally, we reiterate our steadfast objection to the use of mandatory minimum sentences, as the bill maintains a 10-year maximum sentence with a mandatory minimum of 2 years of incarceration (that cannot be suspended or deferred) for violations. We have consistently advocated judicial discretion to determine appropriate penalties based on the specific circumstances of each case. Mandatory minimum sentences deprive judges of this discretion and can lead to disproportionate and unjust outcomes, increased costs, and a perpetuation of mass incarceration.

Accordingly, the Office of the Public Defender strongly urges the Committee to reconsider the breadth of the firearm prohibition in light of *Bruen* and *McDonald*, and to ensure that any restrictions are consistent with constitutional principles. Additionally, we urge the Committee to remove the mandatory minimum sentence to allow judges to consider the unique facts and circumstances of each case.

Sincerely,
/s/ Angela M. Yingling
Angela M. Yingling
Legislative Liaison
Office of the Public Defender
401-222-1505/ayingling@ripd.org