

OFFICE OF THE PUBLIC DEFENDER

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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 8068

ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES -- WEAPONS

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **has concerns about** House Bill No. 8068, 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.

Currently, the definition of “firearms” included air rifle, air pistol, “blank gun,” or “BB gun,” which means that minors would not be allowed to even possess these weapons under H8068. However, under §§ 11-47-31 and 11-47-32 such weapons are **excluded** from the ban on transferring, delivering, and selling firearms to minors, and the OPD submits that they should be treated the same way in § 11-47-33 as well.

To address this concern, we suggest the inclusion of the following language, which mirrors the language in §§ 11-47-31 and 11-47-32:

(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. 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,

/s/ Angela M. Yingling

Angela M. Yingling

Legislative Liaison

Office of the Public Defender

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