

RESOLUTION OF THE CITY COUNCIL

No. 185

Approved April 15, 1994

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 94-S 2904 and House Bill 94-H 9215 Relating to Criminal Procedure - Weapons, in substantially the form attached.

IN CITY COUNCIL
APR 7 1994
READ AND PASSED
James H. Smith
PRES.
Michael L. Clement
CLERK

APPROVED
APR 15 1994
Vincent A. Cianci
MAYOR

RECEIVED
CITY CLERK
MAR 17 1994

IN CITY COUNCIL
Mar. 17, 1994
FIRST READING
REFERRED TO COMMITTEE ON
~~FINANCE~~ *Legislative Matters*
Michael P. Clement CLERK

THE COMMITTEE ON
Legislative Matters
Approves Passage of
The Within Resolution *As Amended*
Barbara A. Zarrin
Chairman
3/31/94 *Clerk*

Councilmen Slaves, Lombardi and Spizzo (By Request)

DPD1794

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

94-S 2904

JANUARY SESSION, A.D. 1994

A N A C T

RELATING TO CRIMINAL PROCEDURE --
WEAPONS

94 - S - 2904

Introduced By: Senators Ruggerio,
Goodwin

Date Introduced: February 17, 1994

Referred To: Senate Committee on
Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-24 of the General Laws in Chapter 11-47
2 entitled "Weapons" is hereby amended to read as follows:
3 11-47-24. Alteration of marks of identification on firearms. --
4 No person shall change, alter, remove, or obliterate the name of the
5 maker, model, manufacturer's number or other mark of identification on
6 any firearm. Possession of any firearm upon which any such mark shall
7 have been changed, altered, removed or obliterated, shall be prima
8 facie evidence that the possessor has changed, altered, removed or
9 obliterated the same. Violation of the provisions of this section may
10 be punished by imprisonment for not more than five (5) years; and
11 for the penalties provided in this section he or she shall not be
12 afforded the provision of suspension or deferment of sentence, nor of
13 probation. Parole will also not be afforded, except for an adjustment
14 of not more than fifteen percent (15%) for good behavior.

94-S 2904

1 SECTION 2. This act shall take effect upon passage.

DPD1794

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO CRIMINAL PROCEDURE --
WEAPONS

- 1 This act prohibits parole for conviction of alteration of
- 2 identification marks on a firearm. Fifteen percent time off for
- 3 good behavior would be allowed.
- 4 This act would take effect upon passage.

PD1794

S T A T E O F R H O D E I S L A N D

94-H 9215

I N G E N E R A L A S S E M B L Y

J A N U A R Y S E S S I O N , A . D . 1 9 9 4

A N A C T

R E L A T I N G T O C R I M I N A L P R O C E D U R E --
W E A P O N S

94-H 9215

Introduced By: Rep. Castro, Lima, Ajello,
McGowan, and Ginolfi

Date Introduced: February 17, 1994

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-24 of the General Laws in Chapter 11-47
2 entitled "Weapons" is hereby amended to read as follows:
3 11-47-24. Alteration of marks of identification on firearms. --
4 No person shall change, alter, remove, or obliterate the name of the
5 maker, model, manufacturer's number or other mark of identification on
6 any firearm. Possession of any firearm upon which any such mark shall
7 have been changed, altered, removed or obliterated, shall be prima
8 facie evidence that the possessor has changed, altered, removed or
9 obliterated the same. Violation of the provisions of this section may
10 be punished by imprisonment for not more than five (5) years; and
11 for the penalties provided in this section he or she shall not be
12 afforded the provision of suspension or deferment of sentence, nor of
13 probation. Parole will also not be afforded, except for an adjustment
14 of not more than fifteen percent (15%) for good behavior.

94-H 9215

1 SECTION 2. This act shall take effect upon passage.

PD1794

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO CRIMINAL PROCEDURE --
WEAPONS

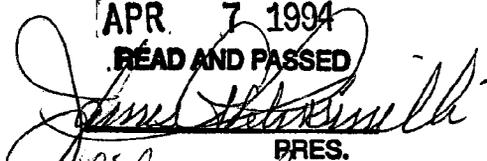
- 1 This act prohibits parole for conviction of alteration of
2 identification marks on a firearm. Fifteen percent time off for
3 good behavior would be allowed.
4 This act would take effect upon passage.

RESOLUTION OF THE CITY COUNCIL

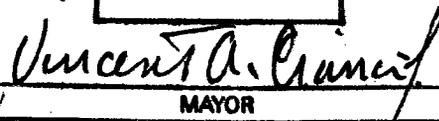
No. 186

Approved April 15, 1994

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 94-S 2905 and House Bill 94-H 9225 Relating to Criminal Procedure - Habitual Criminal, in substantially the form attached.

IN CITY COUNCIL
APR 7 1994
READ AND PASSED

PRES.

CLERK

APPROVED
APR 15 1994

MAYOR

IN CITY COUNCIL

OFFICE OF THE CLERK

1
2

IN CITY COUNCIL

March 17 1994

FIRST READING

REFERRED TO COMMITTEE ON

Michael R. Clement CLERK

Legislative Matters

THE COMMITTEE ON

Legislative Matters

Approves Passage of

The Within Resolution, *As Amended*

Barbara A. Davis

Chairman

3/31/94 Clerk

Councilman Flavin, Lombardi and Spizziri (By request)

RS1223

STATE OF RHODE ISLAND

94-S 2905

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

A N A C T

RELATING TO CRIMINAL PROCEDURE -
HABITUAL CRIMINALS

94 - S - 2905

Introduced By: Senators Goodwin,
Ruggerio

Date Introduced: February 17, 1994

Referred to: Senate Committee on
Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-19-21 of the General Laws in Chapter 12-19
2 entitled "Sentence and Execution" is hereby amended to read as fol-
3 lows:

4 12-19-21. Habitual criminals. -- (A) If any person who has been
5 previously convicted in this or any other state of two or more felony
6 offenses arising from separate and distinct incidents and sentenced on
7 two or more such occasions to serve a term in prison shall, after said
8 convictions and sentences, be convicted in this state of any offense
9 punished by imprisonment for more than one year, such person shall be
10 deemed an "habitual criminal." Upon such conviction, said person
11 deemed a habitual criminal shall be punished by imprisonment in the
12 adult correctional institutions for a term not-exceeding-twenty-five
13 (25)-years not less than five (5) years nor more than twenty-five (25)
14 years, in addition to any sentence imposed for the offense of which he
15 or she was last convicted. No conviction and sentence for which said
16 person has subsequently received a pardon granted on the ground that
17 he or she was innocent, shall be considered as such for the purpose of

1 determining whether said person is an habitual criminal.

2 (B) Whenever it appears a person shall be deemed an "habitual
3 criminal," the attorney general, within forty-five (45) days of the
4 arraignment, but in no case later than the date of the pretrial con-
5 ference, may file with the court, a notice specifying that the defen-
6 dant, upon conviction, is subject to the imposition of an additional
7 sentence in accordance with this section; provided, however, that in
8 no case shall the fact that the defendant is alleged to be an habitual
9 offender be an issue upon the trial of the defendant, nor shall it be
10 disclosed to the jury. Upon any plea of guilty or nolo contendere or
11 verdict or finding of guilty of the defendant, a hearing shall be held
12 by the court sitting without a jury to determine whether the person so
13 convicted is an habitual criminal. Notice thereof shall be given to
14 the defendant and the attorney general at least ten (10) days prior
15 thereto. Duly authenticated copies of former judgments and commit-
16 ments which comprise the two or more prior convictions and
17 imprisonments required under this section shall be prima facie evi-
18 dence of such former convictions and imprisonments. If it appears by
19 a preponderance of the evidence presented that the defendant is an
20 habitual criminal under this section, he or she shall be sentenced by
21 the court to an additional consecutive term of imprisonment of not
22 exceeding--twenty-five--(25)--years less than five (5) years nor more
23 than twenty five (25) years and provided further, that the court shall
24 order the defendant to serve a minimum number of years of said sen-
25 tence before he or she becomes eligible for parole.

26 (C) For penalties provided in sections (A) and (B), the benefits
27 of suspension, deferment of sentence or probation will not be
28 afforded. Parole will also not be afforded, except for an adjustment
29 of not more than fifteen percent (15%) for good behavior.

30 SECTION 2. This act shall take effect upon passage.

RS1223

94-S 2905

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO CRIMINAL PROCEDURE -
HABITUAL CRIMINALS

- 1 This act would require those found to be habitual criminals
- 2 be sentenced to a minimum of five additional years and to as much
- 3 as twenty five additional years at the ACI.
- 4 This act would take effect upon passage.

RS1223

DRS1223

STATE OF RHODE ISLAND

94-H 9225

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

A N A C T

RELATING TO CRIMINAL PROCEDURE -
HABITUAL CRIMINALS.

94-H 9225

Introduced By: Reps. Lima, Kushner,
Moura, DeSimone, Ajello
Date Introduced: February 17, 1994

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 12-19-21 of the General Laws in Chapter 12-19
2 entitled "Sentence and Execution" is hereby amended to read as fol-
3 lows:

4 12-19-21. Habitual criminals. -- (A) If any person who has been
5 previously convicted in this or any other state of two or more felony
6 offenses arising from separate and distinct incidents and sentenced on
7 two or more such occasions to serve a term in prison shall, after said
8 convictions and sentences, be convicted in this state of any offense
9 punished by imprisonment for more than one year, such person shall be
10 deemed an "habitual criminal." Upon such conviction, said person
11 deemed a habitual criminal shall be punished by imprisonment in the
12 adult correctional institutions for a term not-exceeding-twenty-five
13 ~~(25)-years not less than five (5) years nor more than twenty-five (25)~~
14 years, in addition to any sentence imposed for the offense of which he
15 or she was last convicted. No conviction and sentence for which said
16 person has subsequently received a pardon granted on the ground that
17 he or she was innocent, shall be considered as such for the purpose of

1 determining whether said person is an habitual criminal.

2 (B) Whenever it appears a person shall be deemed an "habitual
3 criminal," the attorney general, within forty-five (45) days of the
4 arraignment, but in no case later than the date of the pretrial con-
5 ference, may file with the court, a notice specifying that the defen-
6 dant, upon conviction, is subject to the imposition of an additional
7 sentence in accordance with this section; provided, however, that in
8 no case shall the fact that the defendant is alleged to be an habitual
9 offender be an issue upon the trial of the defendant, nor shall it be
10 disclosed to the jury. Upon any plea of guilty or nolo contendere or
11 verdict or finding of guilty of the defendant, a hearing shall be held
12 by the court sitting without a jury to determine whether the person so
13 convicted is an habitual criminal. Notice thereof shall be given to
14 the defendant and the attorney general at least ten (10) days prior
15 thereto. Duly authenticated copies of former judgments and commit-
16 ments which comprise the two or more prior convictions and
17 imprisonments required under this section shall be prima facie evi-
18 dence of such former convictions and imprisonments. If it appears by
19 a preponderance of the evidence presented that the defendant is an
20 habitual criminal under this section, he or she shall be sentenced by
21 the court to an additional consecutive term of imprisonment of not
22 ~~exceeding--twenty-five--(25)--years~~ less than five (5) years nor more
23 than twenty five (25) years and provided further, that the court shall
24 order the defendant to serve a minimum number of years of said sen-
25 tence before he or she becomes eligible for parole.

26 (C) For penalties provided in sections (A) and (B), the benefits
27 of suspension, deferment of sentence or probation will not be
28 afforded. Parole will also not be afforded, except for an adjustment
29 of not more than fifteen percent (15%) for good behavior.

30 SECTION 2. This act shall take effect upon passage.

DRS1223

94-H 9225 EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO CRIMINAL PROCEDURE -
HABITUAL CRIMINALS

- 1 This act would require those found to be habitual criminals
- 2 be sentenced to a minimum of five additional years and to as much
- 3 as twenty five additional years at the ACI.
- 4 This act would take effect upon passage.

DRS1223
