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THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# 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

166-200000  
 166-200000  
 166-200000  
 166-200000

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

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

*Councilmen Slater, Lombardi and Sghiggia (By request)*

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DPD1794  
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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.

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DPD1794  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
AN ACT  
RELATING TO CRIMINAL PROCEDURE --  
WEAPONS

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- 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.

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PD1794  
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STATE OF RHODE ISLAND

94-H 9215

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1994

A N A C T

RELATING TO CRIMINAL PROCEDURE --  
WEAPONS

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.

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PD1794  
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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  
*James J. Smith*  
PRES.  
*Michael R. Clement*  
CLERK

APPROVED  
APR 15 1994  
*Vincent A. Cianci*  
MAYOR

IN CITY COUNCIL

LEGISLATIVE MATTERS

IN CITY COUNCIL

March 17 1994

FIRST READING

REFERRED TO COMMITTEE ON

LEGISLATIVE MATTERS

Michael R. Clement CLERK

THE COMMITTEE ON

Legislative Matters

Approves Passage of

The Within Resolution, As Amended

Barbara A. Givens

Chairman

3/31/94 Clerk

Carmelina Plavin, Lombardi and Lghizzi (By request)



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RS1223  
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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.

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RS1223  
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# 94-S 2905

## EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO CRIMINAL PROCEDURE -  
HABITUAL CRIMINALS

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- 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.

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RS1223  
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DRS1223  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

94-H 9225

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.

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DRS1223  
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# 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.

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DRS1223  
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