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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senators Lombardo, Ciccone, Lombardi, P Fogarty, and Kettle

Date Introduced: March 11, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-12 and 11-47-18 of the General Laws in Chapter 11-47
2 entitled "Weapons" are hereby amended to read as follows:

3 **11-47-12. License or permit fee.** -- A fee of forty dollars (\$40.00) shall be charged and
4 shall be paid for each license or permit to the licensing authority ~~issuing it~~ upon the issuance of
5 the permit. Every license or permit shall be valid for four (4) years from the date when issued
6 unless sooner revoked. Provided, that a renewal of a license or permit to carry a pistol or revolver
7 pursuant to § 11-47-18 may be issued and be valid for up to six (6) years from the date of
8 renewal. The fee charged for issuing of the license or permit shall be applied for the use and
9 benefit of the city, town, or state of Rhode Island. A licensing authority may not charge any
10 administrative fee, application fee, processing fee, or any other fee with the exception of a
11 reimbursement cost for a federal background check fee.

12 **11-47-18. License or permit issued by attorney general on showing of need --**
13 **Issuance to retired police officers.** -- (a) The attorney general ~~may~~ shall issue a license or permit
14 to any person twenty-one (21) years of age or over to carry a pistol or revolver, whether
15 concealed or not, upon his or her person upon a proper showing of need, subject to the provisions
16 of §§ 11-47-12 and 11-47-15; that license or permit ~~may be issued notwithstanding the provisions~~
17 may not be issued to and shall immediately be revoked for an individual who is in violation of §
18 11-47-7.

19 (b) All state police officers and permanent members of city and town police forces of

1 this state who have retired in good standing after at least twenty (20) years of service, or retired in
2 good standing due to a physical disability other than a psychological impairment, may be issued a
3 license or permit by the attorney general subject to the provisions of §§ 11-47-12 and 11-47-15.
4 The term "in good standing" means that at the time of retirement, the police officer was not facing
5 disciplinary action that could have resulted in his or her termination for misconduct or unfitness
6 for office. Any member of the licensing authority, and its agents, servants, and employees shall
7 be immune from suit in any action, civil or criminal, based upon any official act or decision,
8 performed or made in good faith in issuing a license or permit under this chapter.

9 (c) Notwithstanding any other chapter or section of the general laws of the state of
10 Rhode Island, the attorney general shall not provide or release to any individual, firm, association
11 or corporation the name, address, or date of birth of any person who has held or currently holds a
12 license or permit to carry a concealed pistol or revolver. This section shall not be construed to
13 prohibit the release of any statistical data of a general nature relative to age, gender and racial or
14 ethnic background nor shall it be construed to prevent the release of information to parties
15 involved in any prosecution of § 11-47-8 or in response to a lawful subpoena in any criminal or
16 civil action which said person is a party to such action.

17 (d) The attorney general's application for a license to carry a concealable weapon shall be
18 filled out completely by the applicant, dated and signed by the applicant and notarized.

19 (e) The attorney general may request only the following information on the application:

20 (1) Applicant's full name, prior name, if legally changed, all nicknames and aliases, full
21 residence address and mailing address if different (no post office boxes accepted).

22 (2) All of the applicant's available phone numbers, including, but not limited to, business
23 cellular, mobile and land line phone numbers.

24 (3) The applicant's height, weight, color of eyes and hair, date and place of birth, full
25 social security number.

26 (4) Applicant's occupation, job description, years of employment and employer's full
27 address and contact information, including, but not limited to, the name of the applicants direct
28 supervisor and contact phone number.

29 (5) Applicant's proof of citizenship, length of citizenship and if applicant is not a citizen
30 of the United States, a copy of both sides of a current and valid alien registration card.

31 (6) A listing of all the applicant's addresses, for the last three (3) years, including the full
32 address with dates of residence.

33 (7) Information relating to the applicants arrest record including, but not limited to, the
34 date applicant was arrested, the name of the city/town or arresting agency, the state the arrest

- 1 occurred in, the arresting charge and disposition.
- 2 (8) Information relating to the applicant's plea of nolo contendere to any charge or
3 violation including, but not limited to, the date the applicant was arrested, the name of the
4 city/town or arresting agency, the state the plea occurred in, the arresting charge and disposition.
- 5 (9) Information relating to the applicant's conviction record including, but not limited to,
6 the date the applicant was arrested, the name of the city/town or arresting agency, the state the
7 arrest occurred in, the arresting charge and disposition.
- 8 (10) Information relating to the applicant's indictment in any court for a crime punishable
9 for more than one year, including, but not limited to, the name of the city/town or indicting
10 agency, the state of the indictment, the indicting charge and disposition.
- 11 (11) Information relating to the applicant if he/she was ever under a guardianship or been
12 subject to confinement by virtue of being a mental incompetent, or who has been adjudicated or is
13 under treatment or confinement as a drug addict, including, but not limited to, the dates thereof.
- 14 (12) Information relating to the applicant's current and prior applications for a permit for
15 a concealed weapon from the Rhode Island attorney general, any local city or town, or any other
16 state, including, but not limited to, if any permit is active, expired, denied or revoked, with the
17 dates and reasons thereof. The attorney general may require notarized photocopies of the front
18 and back of all valid permits.
- 19 (13) All non-resident applicants must include a copy of both the front and the back of
20 their home state permit.
- 21 (14) A dated, signed and notarized typed statement from the applicant outlining the
22 applicant's specific reasons and details regarding his or her need for a Rhode Island permit. Only
23 a typed letter may be submitted. If the permit is to be used for employment, a typed and signed
24 letter of explanation must be submitted on the applicant's letterhead and included with the
25 application. In addition, the applicant must submit a copy of the business license as proof that the
26 business exists.
- 27 (15) Enclose two (2) 1" X 1" pictures of the applicant taken without headgear or glasses.
28 This photo must be a clear, colored picture of the head and face. The applicant must print his/her
29 name on the back of each picture. No laminated photos will be accepted.
- 30 (16) Copies of both the front and the back of two (2) types of positive identification for
31 the applicant, examples include, but are not limited to, birth certificate, United States passport, a
32 Rhode Island or other state driver's license or a Rhode Island identification card. The photocopies
33 submitted must be signed and dated by a notary public attesting to the photocopies as being true
34 copies.

1 (17) The application must include the applicant's full set of fingerprints submitted on a
2 FBI Fingerprint Applicant Card [FD-258 (Rev. 12-29-82)] included with the application.
3 Fingerprint card must be signed by the applicant. This is not necessary for a renewal application.

4 (18) Three (3) dated, signed and notarized typed reference letters from individuals who
5 personally know the applicant. The individuals used as references must include on the letters the
6 following information: their full names, residence address, phone number with area code and the
7 years they have known the applicant. An applicant's reference letter dated more than three (3)
8 months prior to the date of the permit application will be considered invalid. Reference letters
9 must be written by the reference, not the applicant and cannot be identical.

10 (19) A certification that the applicant has qualified in accordance with § 11-47-15 (law
11 enforcement personnel may submit a certification of the Rhode Island combat course). A National
12 Rifle Association (N.R.A.) instructor or a police range office must sign and complete the
13 certification which shall include the date of the qualification, the printed name, phone number of
14 the instructor, instructor N.R.A. number, the caliber of the weapon and the applicant's score. An
15 applicant's qualification certification dated more than one year prior to the date of the permit
16 application will be considered invalid.

17 (20) A copy of the N.R.A. instructor certification and/or the police officer's range
18 certification must be submitted with the application.

19 (f) A copy of the application shall be delivered to the applicant's local licensing authority
20 or to the city or town police department for the police chief's signature. The licensing authority or
21 the police chief shall have a period of thirty (30) days from the date of the submission of the
22 application to either sign the application or to issue a written letter stating the reasons for not
23 signing the application. After thirty (30) days from submission the applicant may submit a copy
24 of the permit application to the attorney general if the licensing authority or police chief has either
25 not signed or has not issued a written letter opposing the applicant's application. The attorney
26 general shall then process the application without the signature as a constructive approval from
27 the licensing authority or the police chief.

28 (g) The applicant shall sign an affidavit certifying that he or she has read and is familiar
29 with the provisions of §§ 11-47-1 through 11-47-63, and acknowledges the penalties for violations
30 of the provisions of the cited sections. He or she shall further attest that any alteration of the
31 permit is just cause for revocation. The affidavit shall be dated and notarized and shall indicate
32 the date it was submitted to the licensing authority or the police department.

33 (h) The attorney general shall within thirty (30) days from the receipt of the application
34 either to approve, deny or reject the application as incomplete.

1 (1) If the application is approved, the attorney general may indicate on the reverse of the
2 license any restriction, if any, on the license. A permit issued without any restrictive language is
3 deemed to be unrestricted.

4 (2) If the attorney general denies the application, the applicant shall be notified, either by
5 mail or by phone, that the entire application is available for pick-up by the applicant along with a
6 written response stating the reason(s) for the denial.

7 (3) If the attorney general deems the application incomplete, then the applicant shall be
8 notified, either by mail or by phone, that the entire application is available for pick-up by the
9 applicant along with a written response stating the reason(s) why the application was deemed
10 incomplete.

11 (i) The attorney general shall within sixty (60) days from the receipt of the application
12 destroy any denied or rejected application which has not been picked up by the applicant after
13 notification.

14 (j) The provisions of § 11-47-35 shall not apply to persons licensed under § 11-47-18.

15 (k) The attorney general's renewal application for a license to carry a concealable weapon
16 shall be as follows:

17 (1) The applicant must submit a fully complete, signed, dated and notarized renewal
18 application to the applicant's local licensing authority or to the city or town police department at
19 least forty-five (45) days prior to the expiration date of the permit.

20 (2) The renewal application shall include only the information included in subsection
21 (e)(1) through (e)(13) of this section.

22 (3) The licensing authority or the police chief shall have a period of fourteen (14) days
23 from the date of the submission of the renewal to either sign the renewal or to issue a written
24 letter stating the reasons for not signing the renewal. After fourteen (14) days from submission
25 the applicant may submit a copy of the renewal application to the attorney general if the licensing
26 authority or police chief has either not signed or has not issued a written letter opposing the
27 applicant's renewal. The attorney general shall then process the renewal without the signature as a
28 constructive approval from the licensing authority or the police chief.

29 (4) The attorney general shall within fourteen (14) days of receipt of the renewal
30 application, if there is no substantial change in the applicant's renewal application, no substantial
31 change in need, no change in the applicant's criminal history and no change in the applicant's
32 background check, automatically approve the renewal application.

33 (5) The renewal permit shall be, at a minimum, issued with the same restrictions, if any,
34 as the prior permit, except that the renewal may be for a period of up to six (6) years from the

1 date of renewal, pursuant to § 11-47-12.

2 (i) The attorney general shall establish and maintain an emergency permit extension on
3 the renewal application for a license to carry a concealable weapon.

4 (A) The emergency permit extension is only available to renewal applicants who, at the
5 time of the application, have an unexpired four (4) year attorney general license to carry a
6 concealable weapon and who must maintain this license for work purposes.

7 (B) The applicant must submit to the attorney general a notarized affidavit, which form is
8 approved by the attorney general, which states as of the date of the execution of the form he or
9 she has submitted a fully complete, signed, dated and notarized renewal application to the
10 applicant's local licensing authority or to the city or town police department within thirty (30)
11 days prior to the expiration date of his or her permit.

12 (C) A complete copy of the permit application shall be delivered along with the affidavit
13 to the department of the attorney general.

14 (D) The attorney general shall, within three (3) business days of receipt of the renewal
15 application copy and affidavit, if there is no substantial change in the applicant's renewal
16 application, no substantial change in need, no change in the applicant's criminal history and no
17 change in the applicant's background check, automatically approve the emergency permit
18 extension.

19 (E) A fee of fifty dollars (\$50.00) shall be charged and shall be paid to the attorney
20 general for the emergency permit extension upon the issuance of the emergency permit.

21 (F) The emergency permit extension shall be valid for forty-five (45) days from issuance
22 and shall not be extended.

23 (G) Nothing in the emergency permit extension section shall be construed or interpreted
24 to stay or toll the time periods in the renewal process as outlined in subsection (h) of this section.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would require the forty dollar (\$40.00) fee for a concealed weapon permit be
2 paid once the permit is issued. It would also prohibit illegal aliens from holding a concealed carry
3 permit, and make changes to the application process. It would also provide that the renewal of the
4 permit to carry a concealed weapon could be renewed for up to six (6) years.

5 This act would take effect upon passage.

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