

2022 -- H 7763

LC004793

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Place, Chippendale, and Cardillo

Date Introduced: March 02, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **11-47-2. Definitions.**

4 When used in this chapter, the following words and phrases are construed as follows:

5 (1) "3D printing process" means 3D printing or additive manufacturing which is a process
6 of making three (3) dimensional solid objects from a computer file and shall include any of various
7 processes in which material is joined or solidified under computer control to create a three (3)
8 dimensional object, with material being added together including liquid molecules, or powder
9 grains.

10 (2) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
11 § 921.

12 (3) "Binary trigger" means a device that replaces a standard trigger on a semi-automatic
13 weapon and is designed to fire one round on the pull of the trigger and another round upon release
14 of the trigger.

15 (4) "Bump-fire stock" means any device that replaces a semi-automatic weapon's standard
16 stock and is designed to slide back and forth rapidly, harnessing the weapon's recoil to rapidly fire
17 the weapon.

18 (5) "Crime of violence" means and includes any of the following crimes or an attempt to
19 commit any of them: murder, manslaughter, rape, first- or second-degree sexual assault, first- or

1 second-degree child molestation, kidnapping, first- and second-degree arson, mayhem, robbery,
2 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
3 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
4 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
5 28-4.01.1 or § 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a
6 dangerous weapon, assault or battery involving grave bodily injury, or assault with intent to commit
7 any offense punishable as a felony; upon any conviction of an offense punishable as a felony
8 offense under § 12-29-5.

9 (6) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB
10 gun," or other instrument from which steel or metal projectiles are propelled, or that may readily
11 be converted to expel a projectile, except crossbows, recurve, compound, or longbows, and except
12 instruments propelling projectiles that are designed or normally used for a primary purpose other
13 than as a weapon. The frame or receiver of the weapon shall be construed as a firearm under the
14 provisions of this section.

15 (7) "Fugitive from justice" means any person who has fled from any state, territory, the
16 District of Columbia, or possession of the United States to avoid prosecution for a crime of violence
17 or to avoid giving testimony in any criminal proceeding.

18 (8) "Ghost gun" means a firearm, including a frame or receiver, that lacks a unique serial
19 number engraved or cased in metal alloy on the frame or receiver by a licensed manufacturer,
20 maker, or importer under federal law or markings in accordance with 27 C.F.R. § 479.102. It does
21 not include a firearm that has been rendered permanently inoperable, or a firearm that is not
22 required to have a serial number in accordance with the federal Gun Control Act of 1968.

23 (9) "Licensing authorities" means the board of police commissioners of a city or town
24 where the board has been instituted, the chief of police or superintendent of police of other cities
25 and towns having a regular organized police force, and, in towns where there is no chief of police
26 or superintendent of police, it means the town clerk who may issue licenses upon the
27 recommendation of the town sergeant, and it also means any other person or body duly authorized
28 by the city or town charter or by state law.

29 (10) "Machine gun" means any weapon that shoots, is designed to shoot, or can be readily
30 restored to shoot automatically more than one shot, without manual reloading, by a single function
31 of the trigger. The term also includes the frame or receiver of the weapon, any combination of parts
32 designed and intended for use in converting a weapon into a machine gun, and any combination of
33 parts from which a machine gun can be assembled if the parts are in the possession or under the
34 control of a person.

1 (11) "Major component" means, with respect to a firearm:

2 (i) The slide or cylinder or the frame or receiver of the firearm; and

3 (ii) In the case of a rifle or shotgun, includes the barrel of the firearm.

4 (12) "Person" includes an individual, partnership, firm, association, or corporation.

5 (13) "Pistol" includes any pistol or revolver, and any shotgun, rifle, or similar weapon with
6 overall length less than twenty-six inches (26"), but does not include any pistol or revolver designed
7 for the use of blank cartridges only.

8 (14) "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches
9 (26") or barrel length of less than sixteen inches (16").

10 (15) "Sawed-off shotgun" means any shotgun with overall length of less than twenty-six
11 inches (26") or barrel length of less than eighteen inches (18").

12 (16) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
13 accept, and borrow, and "purchasing" shall be construed accordingly.

14 (17) "Suitable person" means any person who is not prohibited by state law from
15 possessing a pistol or revolver. A person may be considered unsuitable if the licensing authority
16 has clear and convincing evidence that the person is a clear and present danger to himself or herself,
17 or to another person. Any person may be considered unsuitable if the law enforcement agency
18 doing the background check or the department of attorney general has evidence which supports a
19 good faith belief that the person is a member of a criminal street gang as defined in § 12-19-39(a).

20 ~~(17)~~(18) "Trigger crank" means a trigger actuator that attaches to the trigger of a semi-
21 automatic weapon and causes the weapon to fire by turning the crank handle.

22 ~~(18)~~(19) "Undetectable firearm" means any firearm that:

23 (i) After removal of all parts, other than a major component, is not as detectable by walk-
24 through metal detectors commonly used at airports or other public buildings; or

25 (ii) Any major component of which, if subjected to inspection by the types of detection
26 devices commonly used at airports or other public buildings for security screening, would not
27 generate an image that accurately depicts the shape of the component; or

28 (iii) Is manufactured wholly of plastic, fiberglass, or through a 3D printing process; or

29 (iv) Upon which the frame or receiver lacks a unique serial number engraved or cased into
30 on the frame or receiver by a licensed manufacturer, maker, or importer under federal law, or
31 markings in accordance with 27 C.F.R. § 479.102. Provided, however, this subsection shall not
32 apply to any firearm rendered permanently inoperable or a firearm manufactured prior to 1968.

33 **11-47-11. License or permit to carry concealed pistol or revolver.**

34 (a) The licensing authorities of any city or town shall, upon application of any person

1 twenty-one (21) years of age or over having a bona fide residence or place of business within the
2 city or town, or of any person twenty-one (21) years of age or over having a bona fide residence
3 within the United States and a license or permit to carry a pistol or revolver concealed upon his or
4 her person issued by the authorities of any other state or subdivision of the United States, issue a
5 license or permit to the person to carry concealed upon his or her person a pistol or revolver
6 everywhere within this state for four (4) years from date of issue, if ~~it appears that~~ the applicant has
7 good reason to fear an injury to his or her person or property or has any ~~other proper~~ lawful reason
8 for carrying a pistol or revolver, and ~~that~~ he or she is a suitable person to be so licensed, subject to
9 the provisions of §§ 11-47-12 and 11-47-15. Self-defense shall be considered a proper purpose and
10 lawful reason.

11 (1) The license or permit ~~shall be in triplicate in form to be prescribed by the attorney~~
12 ~~general and~~ shall bear the fingerprint, photograph, name, address, description, and signature of the
13 licensee and the reason given for desiring a license or permit and in no case shall it contain the
14 serial number of any firearm. The original shall be delivered to the licensee.

15 (2) The licensing authority shall retain a copy of the permit for its records and send a second
16 copy to the department of attorney general. All permits issued or renewed pursuant to this section
17 shall be recorded in the Rhode Island criminal history database, or its successor system.

18 (3) Any member of the licensing authority, its agents, servants, and employees shall be
19 immune from suit in any action, civil or criminal, based upon any official act or decision, performed
20 or made in good faith in issuing a license or permit under this chapter.

21 (b) Notwithstanding any other chapter or section of the general laws of the state of Rhode
22 Island, the licensing authority of any city or town shall not provide or release to any individual,
23 firm, association or corporation the name, address, or date of birth of any person who has held or
24 currently holds a license or permit to carry a concealed pistol or revolver. This section shall not be
25 construed to prohibit the release of any statistical data of a general nature relative to age, gender
26 and racial or ethnic background nor shall it be construed to prevent the release of information to
27 parties involved in any prosecution of § 11-47-8 or in response to a lawful subpoena in any criminal
28 or civil action which the person is a party to that action.

29 (c) The licensing authority shall, within fourteen (14) calendar days, return any incomplete
30 application to the applicant along with a written explanation, stating with specificity, why the
31 application is incomplete.

32 (d) The licensing authority shall approve or deny a complete application within ninety (90)
33 calendar days of receiving it.

34 (1) Within seven (7) business days after approval, the license shall be made available for

1 the applicant to pick up in person or, at the request and expense of the applicant be delivered by
2 mail.

3 (2) Any denial shall be in writing and state with specificity the reason(s) and evidence upon
4 which the licensing authority based its decision on and the rationale for the denial.

5 (3) Failure by the licensing authority to approve or deny within the time allowed shall
6 constitute a denial for the sole purpose of permitting an appeal by the applicant and for no other
7 purpose, and shall create a presumption that no evidence exists indicating that the applicant is
8 unsuitable.

9 (e) Any permit issued pursuant to this section is eligible to be renewed if it is not expired,
10 or has been expired for less than six (6) months. Any person whose permit has been expired for six
11 (6) months or more may apply for a new permit under this section.

12 (f) Each licensing authority shall make its application available to any person by:

- 13 (1) Posting it on its website, if it has one; and
- 14 (2) Making it immediately available, free of charge, to any person who requests it; and
- 15 (3) Upon request, providing a copy by regular mail using the United States postal service.

16 (g) All applications shall require two (2) forms of identification, such as a driver's license,
17 state issued non-driver identification card, concealed carry permit issued by any state or political
18 subdivision of any state, passport, immigration documentation, military identification, student
19 identification, social security card or a birth certificate. At least one of these must be a government
20 issued photo identification.

21 (1) The licensing authority may only use the applicant's social security number for the
22 background check.

23 (h) All applications shall include a federal bureau of investigation (FBI) fingerprint card
24 (FD-258), or successor version, or provide fingerprints by live-scan, with the application, except
25 that this shall not be a requirement for a renewal applicant.

26 (i) All Applications shall include a copy of the instructor's credentials for the instructor
27 who certified their firing score on their application.

28 (j) All licensing authorities of a city or town shall use the following application:
29 Application for a concealed carry license pursuant to RIGL § 11-47-11

30 Name: _____

31 Address: _____

32 _____

33 (Street and number) (City or town) (State)

34 (ZIP)

1 Date of Birth: _____ Place of Birth _____
2 Height: _____ Weight: _____ Color hair: _____ Color eyes: _____
3 Are you a citizen of the United States? _____
4 If you are not a US citizen, please list your admission/INS number: _____
5 ARMY L or RI COMBAT COURSE shooting score: _____
6 Name and certification number of NRA or RI instructor: _____
7 Signature of instructor:
8 _____
9 Have you ever been convicted of a crime of violence (Pursuant to §11-47-2)? _____
10 Are you a fugitive from justice (Pursuant to §11-47-2)? _____
11 Have you ever been adjudicated as being addicted to a controlled substance (Pursuant to
12 §11-47-6)? _____
13 Have you ever been adjudicated as being mentally incompetent (Pursuant to §11-47-6)?
14 _____
15 Have you been dishonorably discharged from the United States Military? _____
16 To your knowledge, are you prohibited by federal or state law from possessing a firearm?
17 _____
18 For what lawful purpose do you seek to carry a pistol or revolver?
19 _____
20 Applicant's signature:
21 _____
22 (See §11-47-23 for penalty for false information provided on this application)
23 AFFIDAVIT: I certify that I have read and am familiar with the provisions of the
24 Firearms Act, Chapter 11-47, of the general laws of the State of Rhode Island and that I am aware
25 of the penalties for violation of the provisions of the cited sections.
26 Signed before me under penalties of perjury by _____, known to me
27 _____ personally or _____ did present a valid photo identification card which
28 was _____
29 County of _____
30 State of Rhode _____
31 Subscribed and sworn before me this _____ of _____, 20 _____
32 Notary Public _____
33 Notary Public number: _____
34 (k) No licensing authority shall require any additional forms, standards, information,

1 waivers or other additional requirements unless specifically requested by, or provided by, the
2 applicant.

3 (l) The licensing authority shall establish and maintain an emergency permit extension on
4 the renewal application for a license to carry a concealable weapon.

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

8 (2) A complete renewal application must be delivered to the licensing authority prior to the
9 license expiration date.

10 (3) The licensing authority shall, within three (3) business days of receipt of the renewal
11 application if there is no material change in the renewal application, no material change in need
12 and no change in applicant's criminal history, automatically approve and make available the
13 emergency permit.

14 (4) A fee of fifty dollars (\$50.00) shall be paid to the licensing authority for the emergency
15 permit extension upon the issuance of the emergency permit.

16 (5) An emergency license to carry a concealable weapon will be valid for ninety (90) days
17 only.

18 (6) Nothing in the emergency permit extension section shall be construed or interpreted to
19 stay or toll the time periods in the renewal process as outlined in subsection (e) of this section.

20 **11-47-12. License or permit fee.**

21 A fee of forty dollars (\$40.00) shall be charged and shall be paid for ~~each~~ a license or
22 permit to the licensing authority ~~issuing it~~ or the department of attorney general upon issuance. No
23 additional fees or costs of any type shall be charged or assessed for any reason, except, that the
24 applicant may be assessed the actual cost charged by the FBI to process their fingerprints. Every
25 license or permit shall be valid for four (4) years from the date when issued unless sooner revoked,
26 subject to the emergency permit provisions contained in § 11-47-11. The fee charged for issuing of
27 the license or permit shall be applied for the use and benefit of the city, town, or ~~state of Rhode~~
28 ~~Island~~ the department of attorney general.

29 **11-47-18. License or permit issued by attorney general on showing of need -- Issuance**
30 **to retired police officers.**

31 (a) The attorney general ~~may~~ shall issue a license or permit to any person twenty-one (21)
32 years of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person
33 everywhere within this state for four (4) years from the date of issue upon a ~~proper~~ showing of
34 need, or the applicant has good reason to fear an injury their person or property, or for employment,

1 and that they are a suitable person to be so licensed, subject to the provisions of §§ 11-47-12 and
2 11-47-15; ~~that license or permit may be issued notwithstanding the provisions of § 11-47-7.~~

3 (1) No licensing authority shall issue a license to carry a concealed permit to any person in
4 violation of § 11-47-7 and any license or permit issued shall immediately be revoked.

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

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

22 (d) Any permit issued pursuant to this section is eligible to be renewed if it is not expired,
23 or has been expired for less than six (6) months. Any person whose permit has been expired for six
24 (6) months or more may apply for a new permit under this section.

25 (e) The attorney general's application for a license to carry a pistol or revolver shall be
26 filled out completely by the applicant, dated and signed by the applicant and notarized.

27 (f) The attorney general may request only the following information on the application:

28 (1) Applicant's full name, prior name if legally changed, all nicknames and aliases, full
29 residence address and mailing address if different from the applicant's residence. No post office
30 box addresses may be used for a mailing address.

31 (2) All applicant's available phone numbers, including, but not limited to, business,
32 cellular, mobile and land line phone numbers.

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

1 (4) If the permit is being sought as a condition of employment, the applicant's occupation,
2 job description, years of employment and employer's address and contact information.

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

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

8 (7) Information relating to the applicants arrest record including, but not limited to, the
9 date the applicant was arrested, the name of the city/town or arresting agency, the state the arrest
10 occurred in, the arresting charge and disposition.

11 (8) Information relating to the applicants plea of nolo contendere to any charge or violation
12 including, but not limited to, the date the applicant was arrested, the name of the city/town or
13 arresting agency, the state the plea occurred in, the arresting charge and disposition.

14 (9) Information relating to the applicants conviction record, including, but not limited, to
15 the date the applicant was arrested, the name of the city/town or arresting agency, the state the arrest
16 occurred in, the arresting charge and disposition.

17 (10) Information relating to the applicants indictment in any court for a crime punishable
18 for more than one year, including, but not limited to, the name of the city/town or indicting agency,
19 the state of the indictment, the indicting charge and disposition.

20 (11) Information relating to the applicant if he/she was ever under a guardianship or been
21 subject to confinement by virtue of being a mental incompetent, or who has been adjudicated or is
22 under treatment or confinement as a drug addict, including, but not limited to, the dates thereof.

23 (12) Information relating to the applicant's current and prior applications for a permit to
24 carry a pistol or revolver from the Rhode Island attorney general, any local city or town, or any
25 other state, including, but not limited to, if any permit is active, denied or revoked, with the dates
26 and reasons thereof. The attorney general may require notarized photocopies of the front and back
27 of all valid permits.

28 (13) All non-resident applicants must include a copy of both the front and the back of their
29 home state permit, if they have one.

30 (g) The attorney general may require only the following with the application from an out-
31 of-state applicant:

32 (1) A dated, signed and notarized typed statement from the applicant outlining the
33 applicant's specific reasons and details regarding his or her need for a Rhode Island permit. If the
34 permit is to be used for employment, a typed and signed letter of explanation must be submitted on

1 the applicant's employer's letterhead and included with the application. In addition, the applicant
2 must submit a copy of the business license or other such evidence that the business exists.

3 (2) The applicant shall enclose two (2) 1" X 1" pictures of the applicant taken without
4 headgear or glasses. This photo must be a clear, colored picture of the head and face. The applicant
5 must print their name on the back of each picture. No laminated photos will be accepted.

6 (3) Copies of both the front and the back of two (2) types of positive identification for the
7 applicant, examples include, but are not limited to, birth certificate, United States Passport, a Rhode
8 Island or other state driver's license or a Rhode Island identification card, concealed carry permit
9 issued by any state or political subdivision of any state, military identification, student identification
10 or social security card. At least one of these must be a government issued photo identification. The
11 photocopies submitted must be signed and dated by a notary public attesting to the photocopies as
12 being true copies.

13 (i) The licensing authority may only use the applicant's social security number for the
14 background check.

15 (4) The application must include the applicant's full set of fingerprints submitted on a FBI
16 fingerprint identification card {FD-258 (Rev. 12-29-82 or successor version)} included with the
17 application. The fingerprint card must be signed by the applicant. Submission of fingerprints shall
18 not be necessary for a renewal application

19 (5) Three (3) dated, signed and notarized typed reference letters from individuals who
20 personally know the applicant. The individuals used as references must include on the letters the
21 following information: their full names, residence address, phone number with area code and the
22 years they have known the applicant. An applicant's reference letter dated more than one hundred
23 twenty (120) days prior to the date of the permit application will be considered invalid. Reference
24 letters must be written by the reference, not the applicant, and cannot be identical. Submission of
25 letters of reference shall not be necessary for a renewal application.

26 (6) A certification that the applicant has qualified in accordance with § 11-47-15. (Law
27 enforcement personnel may submit a certification of the Rhode Island combat course). An N.R.A.
28 instructor or a police range officer must sign and complete the certification which shall include the
29 date of the qualification, the printed name, phone number of the instructor, instructor N.R.A.
30 number, the caliber of the weapon and the applicant's score. An applicant's qualification
31 certification dated more than one year prior to the date of the permit application will be considered
32 invalid.

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

1 (8) The applicant's legal residence may be required. The residency requirement may be
2 satisfied by any one of the following methods: the application may be signed by the applicant's
3 local licensing authority; the application may be signed by the city or town chief of police; the
4 application may be signed by the city or town clerk; or the applicant may submit a certified or
5 notarized copy the applicant's voter registration card.

6 (9) The applicant shall sign an affidavit certifying that he or she has read and is familiar
7 with the provision of the firearms act, §§11-47-1 through §11-47-64, inclusive, as amended, and
8 acknowledges the penalties for violations of the provisions of the cited sections. The applicant shall
9 further attest that any alteration of the permit is just cause for revocation. The affidavit shall be
10 dated and notarized and shall indicate the date it was submitted to the licensing authority or the
11 police department.

12 (h) The attorney general shall, within ninety (90) days for an in-state applicant or one
13 hundred twenty (120) days for an out-of-state applicant from the receipt of a complete application
14 either approve or deny the application.

15 (1) If the application is approved, the attorney general may require the applicant to appear
16 at the department of attorney general to sign and submit a fingerprint card for the permit.

17 (2) If the attorney general denies the application, the applicant shall be notified, either by
18 mail or by phone, that the entire application is available for pick-up by the applicant. Any denial
19 shall be in writing and state with specificity the reason(s) and evidence upon which the denial was
20 based and the rationale for the denial.

21 (3) If the attorney general deems the application incomplete, then the applicant shall be
22 notified, either by mail or by phone, within five (5) business days from submitting the application,
23 that the entire application is available for pick-up by the applicant along with a written response
24 stating the reason(s) why the application was deemed incomplete.

25 (i) The provisions of §§ 11-47-35 and 11-47-35.2 shall not apply to persons licensed under
26 §11-47-18.

27 (j) The attorney general's renewal application for a license to carry a pistol or revolver shall
28 require the following:

29 (1) The applicant must submit a fully complete, signed, dated and notarized renewal
30 application to the attorney general prior to the expiration date of the permit.

31 (2) The renewal application shall include only the information included in subsection (d)(1)
32 of this section and shall only contain the requirements included in subsection (d)(2) of this section,
33 with the following exceptions:

34 (i) The three (3) dated, signed and notarized typed reference letters from individuals who

1 personally know the applicant are not required upon renewal.

2 (ii) The fingerprint card requirement is not required upon renewal.

3 (3) The attorney general shall, within sixty (60) days of receipt of the renewal application,
4 if there is no material change in the applicant's renewal application, no material change in need and
5 no change in the applicant's criminal history, automatically approve the renewal application.

6 (k) The attorney general shall establish and maintain an emergency permit extension on
7 the renewal application for a license to carry a pistol or revolver.

8 (1) The emergency permit extension is only available to renewal applicants who, at the
9 time of the application, have an unexpired four (4) year attorney general license to carry a pistol or
10 revolver and who must maintain this license for work purposes.

11 (2) A complete renewal application must be delivered to the department of attorney general
12 prior to the license expiration date.

13 (3) The attorney general shall, within three (3) business days of receipt of the renewal
14 application, if there is no material change in the applicant's renewal application, no material change
15 in need and no change in applicant's criminal history, automatically approve and make available
16 the emergency permit.

17 (4) A fee of fifty dollars (\$50.00) shall be paid to the attorney general for the emergency
18 permit extension upon the issuance of the emergency permit.

19 (5) An emergency license to carry a pistol or revolver will be valid for ninety (90) days
20 only.

21 (6) Nothing in the emergency permit extension section shall be construed or interpreted to
22 stay or toll the time periods in the renewal process as outlined in section (e) of this section.

23 SECTION 2. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
24 by adding thereto the following section:

25 **11-47-64. Review and appeal of the decision of the licensing authority or attorney**
26 **general.**

27 (a) A decision denying a firearms permit pursuant to either § 11-47-11 or § 11-47-18 shall
28 be final unless further review and/or appeal is initiated in writing within fifteen (15) days after the
29 decision has been mailed to the applicant at the address listed on the application.

30 (b) An aggrieved individual may submit a written request to reconsider the denial to the
31 licensing authority or the department of attorney general. Any request for reconsideration must be
32 submitted within fifteen (15) days after the decision has been mailed to the address provided by the
33 applicant.

34 (1) The licensing authority or the department of attorney general shall schedule and conduct

1 an in-person meeting within thirty (30) days of the request to review and discuss the decision. Said
2 meeting shall only be scheduled or rescheduled beyond the initial thirty (30) day period by
3 agreement of the parties and/or for good cause, but in no event exceed sixty (60) days.

4 (2) The applicant may submit any supplemental documentation or written evidence relative
5 to the application, which shall become part of the application.

6 (3) The meeting shall be conducted as an informal meeting, not as an administrative
7 hearing. The licensing authority or the department of attorney general shall receive and consider
8 documents and other evidence without regard to statutory and common law rules. No stenographic
9 record, transcription, video, audio or other recording shall be allowed.

10 (4) The applicant may be represented by an attorney during the appeal process.

11 (5) The licensing authority or the department of attorney general shall within fourteen (14)
12 days after the meeting mail a decision to the applicant granting or denying the application. Any
13 denial shall be in writing and state with specificity the reason(s) and evidence upon which the denial
14 was based and the rationale for the denial.

15 (c) An aggrieved individual may submit an appeal of the decision denying a firearms permit
16 pursuant to the decision of the request to reconsider to the superior court of the State of Rhode
17 Island for the county in which the licensing authority or attorney general is located, in the form of
18 a miscellaneous petition, within fifteen (15) days after the decision has been mailed to the applicant
19 at the address listed on the application.

20 (1) The petition for review shall state the grounds upon which review is sought but need
21 not be verified.

22 (2) Upon appeal, the petitioner is entitled to a trial de novo before a justice of the superior
23 court without a jury.

24 (3) Within thirty (30) days of the filing of the notice of appeal the licensing authority or
25 attorney general shall provide a full, complete and certified copy of the application and all
26 submitted documents to both the petitioner and the superior court.

27 (d) Pursuant to chapter 2 of title 38, the request to reconsider and the appeal to superior
28 court, shall not be deemed public. All documents, records and proceedings before the licensing
29 authority, the department of attorney general and the superior court are not open to the public but
30 may be accessed by law enforcement personnel to be used for law enforcement purposes related to
31 the appeal only and shall otherwise remain confidential.

32 (e) An applicant may have their hearing open to the public upon written request to the
33 superior court.

34 (f) The superior court shall award reasonable attorney fees, costs and filing fees to the

1 [prevailing applicant if the court finds that there is no justiciable issue of either law of fact or to the](#)
2 [prevailing applicant if the licensing authority or the department of attorney general did not have a](#)
3 [good faith basis in the denial of the license or permit.](#)

4 SECTION 3. Section 38-2-2 of the General Laws in Chapter 38-2 entitled "Access to Public
5 Records" is hereby amended to read as follows:

6 **38-2-2. Definitions.**

7 As used in this chapter:

8 (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or
9 administrative body of the state, or any political subdivision thereof; including, but not limited to:
10 any department, division, agency, commission, board, office, bureau, authority; any school, fire, or
11 water district, or other agency of Rhode Island state or local government that exercises
12 governmental functions; any authority as defined in § 42-35-1(b); or any other public or private
13 agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of
14 any public agency.

15 (2) "Chief administrative officer" means the highest authority of the public body.

16 (3) "Public business" means any matter over which the public body has supervision,
17 control, jurisdiction, or advisory power.

18 (4) "Public record" or "public records" shall mean all documents, papers, letters, maps,
19 books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data
20 processing records, computer stored data (including electronic mail messages, except specifically
21 for any electronic mail messages of or to elected officials with or relating to those they represent
22 and correspondence of or to elected officials in their official capacities), or other material regardless
23 of physical form or characteristics made or received pursuant to law or ordinance or in connection
24 with the transaction of official business by any agency. For the purposes of this chapter, the
25 following records shall not be deemed public:

26 (A)(I)(a) All records relating to a client/attorney relationship and to a doctor/patient
27 relationship, including all medical information relating to an individual in any files.

28 (b) Personnel and other personal individually identifiable records otherwise deemed
29 confidential by federal or state law or regulation, or the disclosure of which would constitute a
30 clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; provided,
31 however, with respect to employees, and employees of contractors and subcontractors working on
32 public works projects that are required to be listed as certified payrolls, the name, gross salary,
33 salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other
34 remuneration in addition to salary, job title, job description, dates of employment and positions

1 held with the state, municipality, or public works contractor or subcontractor on public works
2 projects, employment contract, work location, and/or project, business telephone number, the city
3 or town of residence, and date of termination shall be public. For the purposes of this section
4 "remuneration" shall include any payments received by an employee as a result of termination, or
5 otherwise leaving employment, including, but not limited to, payments for accrued sick and/or
6 vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision. For
7 purposes of this section, the city or town residence shall not be deemed public for peace officers,
8 as defined in § 12-7-21, and shall not be released.

9 (II) Notwithstanding the provisions of this section, or any other provision of the general
10 laws to the contrary, the pension records of all persons who are either current or retired members
11 of any public retirement systems, as well as all persons who become members of those retirement
12 systems after June 17, 1991, shall be open for public inspection. "Pension records" as used in this
13 section, shall include all records containing information concerning pension and retirement benefits
14 of current and retired members of the retirement systems and future members of said systems,
15 including all records concerning retirement credits purchased and the ability of any member of the
16 retirement system to purchase retirement credits, but excluding all information regarding the
17 medical condition of any person and all information identifying the member's designated
18 beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries
19 have received or are receiving pension and/or retirement benefits through the retirement system.

20 (B) Trade secrets and commercial or financial information obtained from a person, firm,
21 or corporation that is of a privileged or confidential nature.

22 (C) Child custody and adoption records, records of illegitimate births, and records of
23 juvenile proceedings before the family court.

24 (D) All records maintained by law enforcement agencies for criminal law enforcement and
25 all records relating to the detection and investigation of crime, including those maintained on any
26 individual or compiled in the course of a criminal investigation by any law enforcement agency.
27 Provided, however, such records shall not be deemed public only to the extent that the disclosure
28 of the records or information (a) Could reasonably be expected to interfere with investigations of
29 criminal activity or with enforcement proceedings; (b) Would deprive a person of a right to a fair
30 trial or an impartial adjudication; (c) Could reasonably be expected to constitute an unwarranted
31 invasion of personal privacy; (d) Could reasonably be expected to disclose the identity of a
32 confidential source, including a state, local, or foreign agency or authority, or any private institution
33 that furnished information on a confidential basis, or the information furnished by a confidential
34 source; (e) Would disclose techniques and procedures for law enforcement investigations or

1 prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or
2 (f) Could reasonably be expected to endanger the life or physical safety of any individual. Records
3 relating to management and direction of a law enforcement agency and records or reports reflecting
4 the initial arrest of an adult and the charge or charges brought against an adult shall be public.

5 (E) Any records that would not be available by law or rule of court to an opposing party in
6 litigation.

7 (F) Scientific and technological secrets and the security plans of military and law
8 enforcement agencies, the disclosure of which would endanger the public welfare and security.

9 (G) Any records that disclose the identity of the contributor of a bona fide and lawful
10 charitable contribution to the public body whenever public anonymity has been requested of the
11 public body with respect to the contribution by the contributor.

12 (H) Reports and statements of strategy or negotiation involving labor negotiations or
13 collective bargaining.

14 (I) Reports and statements of strategy or negotiation with respect to the investment or
15 borrowing of public funds, until such time as those transactions are entered into.

16 (J) Any minutes of a meeting of a public body that are not required to be disclosed pursuant
17 to chapter 46 of title 42.

18 (K) Preliminary drafts, notes, impressions, memoranda, working papers, and work
19 products, including those involving research at state institutions of higher education on commercial,
20 scientific, artistic, technical, or scholarly issues, whether in electronic or other format; provided,
21 however, any documents submitted at a public meeting of a public body shall be deemed public.

22 (L) Test questions, scoring keys, and other examination data used to administer a licensing
23 examination, examination for employment or promotion, or academic examinations; provided,
24 however, that a person shall have the right to review the results of his or her examination.

25 (M) Correspondence of or to elected officials with or relating to those they represent and
26 correspondence of or to elected officials in their official capacities.

27 (N) The contents of real estate appraisals, engineering, or feasibility estimates and
28 evaluations made for or by an agency relative to the acquisition of property or to prospective public
29 supply and construction contracts, until such time as all of the property has been acquired or all
30 proceedings or transactions have been terminated or abandoned; provided the law of eminent
31 domain shall not be affected by this provision.

32 (O) All tax returns.

33 (P) All investigatory records of public bodies, with the exception of law enforcement
34 agencies, pertaining to possible violations of statute, rule, or regulation other than records of final

1 actions taken, provided that all records prior to formal notification of violations or noncompliance
2 shall not be deemed to be public.

3 (Q) Records of individual test scores on professional certification and licensing
4 examinations; provided, however, that a person shall have the right to review the results of his or
5 her examination.

6 (R) Requests for advisory opinions until such time as the public body issues its opinion.

7 (S) Records, reports, opinions, information, and statements required to be kept confidential
8 by federal law or regulation or state law or rule of court.

9 (T) Judicial bodies are included in the definition only in respect to their administrative
10 function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt
11 from the operation of this chapter.

12 (U) Library records that, by themselves or when examined with other public records, would
13 reveal the identity of the library user requesting, checking out, or using any library materials.

14 (V) Printouts from TELE -- TEXT devices used by people who are deaf or hard of hearing
15 or speech impaired.

16 (W) All records received by the insurance division of the department of business regulation
17 from other states, either directly or through the National Association of Insurance Commissioners,
18 if those records are accorded confidential treatment in that state. Nothing contained in this title or
19 any other provision of law shall prevent or be construed as prohibiting the commissioner of
20 insurance from disclosing otherwise confidential information to the insurance department of this
21 or any other state or country, at any time, so long as the agency or office receiving the records
22 agrees in writing to hold it confidential in a manner consistent with the laws of this state.

23 (X) Credit card account numbers in the possession of state or local government are
24 confidential and shall not be deemed public records.

25 (Y) Any documentary material, answers to written interrogatories, or oral testimony
26 provided under any subpoena issued under § 9-1.1-6.

27 (Z) Any individually identifiable evaluations of public school employees made pursuant to
28 state or federal law or regulation.

29 (AA) All documents prepared by school districts intended to be used by school districts in
30 protecting the safety of their students from potential and actual threats.

31 (BB) All documents, records and any records of proceedings generated pursuant to any
32 appeal brought under § 11-47-64, before a licensing authority, the department of attorney general
33 or the superior court.

1 SECTION 4. This act shall take effect upon passage.

=====
LC004793
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- WEAPONS

1 This act would define suitable person for purposes of possessing and having a concealed
2 carry pistol permit, would establish reasons for applying for a carry permit for both in-state and
3 out-of-state residents, would establish what information is required on applications for carry
4 permits, establish an appeal process when an application is denied and provides that records relating
5 to carry permits and appeals is not a public record.

6 This act would take effect upon passage.

=====
LC004793
=====