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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS -- ACCESS TO PUBLIC RECORDS

Introduced By: Senators Rogers, de la Cruz, Paolino, Archambault, Ciccone, Lombardo,
and Raptakis

Date Introduced: March 04, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-47-2, 11-47-9, 11-47-11, 11-47-12, 11-47-18 and 11-47-20 of
2 the General Laws in 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 possessing
15 a pistol or revolver. A person may be considered unsuitable if the licensing authority has clear and
16 convincing evidence that the person is a clear and present danger to him or herself, or to another
17 person. Any person may be considered unsuitable if the police department or the attorney general
18 has evidence which supports a good faith belief that they are a member of a criminal street gang as
19 defined by § 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 **11-47-9. Persons exempt from restrictions.**

34 (a) The provisions of § 11-47-8 shall not apply to sheriffs; deputy sheriffs; the

1 superintendent and members of the state police; members of the Rhode Island airport police
2 department; members of the Rhode Island state marshals; Rhode Island state fire marshal; chief
3 deputy state fire marshals; deputy state fire marshals assigned to the bomb squad, and those
4 assigned to the investigation unit; Providence fire department arson investigators, provided that the
5 investigator receiving the permit is a graduate of a police-training academy; correctional officers,
6 within the department of corrections; members of the city or town police force; capitol police
7 investigators of the department of attorney general appointed pursuant to § 42-9-8.1; the witness
8 protection coordinator for the witness protection review board as set forth in chapter 30 of title 12
9 and subject to the minimum qualifications of § 42-9-8.1; automobile theft investigators of the
10 Rhode Island state police pursuant to § 31-50-1; railroad police while traveling to and from official
11 assignments or while on assignments; conservation officers; or other duly appointed law
12 enforcement officers; nor to members of the Army, Navy, Air Force, and Marine Corps of the
13 United States, the National Guard, or organized reserves, when on duty; nor to members of
14 organizations by law authorized to purchase or receive firearms from the United States or this state,
15 provided these members are at, or going to or from, their places of assembly or target practice; nor
16 to officers or employees of the United States authorized by law to carry a concealed firearm; nor to
17 any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the
18 performance of his or her official duties under the authority of the commanding officer of the
19 military establishment in the state of Rhode Island where he or she is employed by the United
20 States; nor to any civilian guard carrying sidearms or a concealed firearm in the performance of his
21 or her official duties under the authority of the adjutant general where he or she is employed
22 guarding a national guard facility, provided, that the commanding officer of the military
23 establishment shall have on file with the attorney general of this state a list of the names and
24 addresses of all civilian guards and criminal investigators so authorized; nor to duly authorized
25 military organizations when on duty; nor to members when at, or going to or from, their customary
26 places of assembly; nor to any individual employed in the capacity of warden, associate warden,
27 major, captain, lieutenant, sergeant, correctional officer or investigator at any project owned or
28 operated by a municipal detention facility corporation, including the Donald W. Wyatt Detention
29 Facility; nor to the regular and/or ordinary transportation of pistols or revolvers as merchandise;
30 nor to any person while transporting a pistol, or revolvers, unloaded from the place of purchase to
31 their residence; or place of business, from their residence to their place of business or from their
32 place of business to their residence, or to a federal firearms licensee for the purpose of sale, to or
33 from a bona fide gunsmith, or firearms repair facility, to any police station or other location
34 designated as a site of a bona fide "gun buy-back" program, but only if said pistol or revolver is

1 unloaded and any ammunition for said pistol or revolver is not readily or directly accessible from
2 the passenger compartment of such vehicle while transporting same and further provided, that in
3 the case of a vehicle without a compartment separate from the passenger compartment, the firearm
4 or the ammunition shall be stored in a locked container.

5 (b) Persons exempted by the provisions of this section from the provisions of § 11-47-8
6 shall have the right to carry concealed firearms everywhere within this state; provided, that this
7 shall not be construed as giving the right to carry concealed firearms to a person transporting
8 firearms as merchandise or as household or business goods.

9 (c) The attorney general shall have the authority to enter into agreements or otherwise
10 formally approve reciprocal recognition with other states that require an agreement to be in place
11 before that state will recognize a Rhode Island attorney general or a city or town police department
12 concealed handgun permit as valid.

13 (d) Rhode Island shall recognize and honor a concealed handgun or concealed weapon
14 permit or license issued by any other reciprocal state or county, provided:

15 (1) The permit or license holder is a non-resident who is twenty-one (21) years of age or
16 older;

17 (2) The reciprocal state and or county provides the means for instantaneous verification of
18 the validity of all such permits or licenses issued within that state or county, accessible twenty-four
19 (24) hours a day;

20 (3) The permit or license holder has in his or her immediate possession the concealed
21 handgun or concealed weapon permit or license along with a photo identification issued by a state
22 or government agency and presents for verification the permit or license and identification upon
23 demand by a law-enforcement officer;

24 (4) The permit or license holder is subject to the same laws and restrictions with respect to
25 carrying a concealed weapon or concealed firearm as a resident of Rhode Island who is so licensed.

26 (e) Rhode Island shall recognize an official government-issued law-enforcement
27 identification card issued to an active-duty law-enforcement officer from any other state or county.
28 These individuals shall be exempted from the provisions of § 11-47-8 and shall have the right to
29 carry a concealed firearm everywhere within this state.

30 **11-47-11. License or permit to carry concealed pistol or revolver.**

31 (a) The licensing authorities of any city or town shall, upon application of any person
32 twenty-one (21) years of age or over having a bona fide residence or place of business within the
33 city or town, or of any person twenty-one (21) years of age or over having a bona fide residence
34 within the United States and a license or permit to carry a pistol or revolver concealed upon his or

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

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

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

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

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

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

29 (d) The licensing authority shall approve or deny a completed application within ninety
30 (90) calendar days of receiving it.

31 (1) Within seven (7) business days after approval, the license shall be made available for
32 the applicant to pick up in person or, at the request and expense of the applicant be delivered by
33 mail.

34 (2) Any denial shall be in writing and state with specificity the reason(s) and evidence upon

1 which the licensing authority based its decision on and the rationale for the denial.

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

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

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

10 (1) Posting it on its website, if it has one;

11 (2) Making it immediately available, free of charge, to any person who requests it; and

12 (3) Upon request, providing a copy by US mail.

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

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

19 (h) All applications shall include an FBI Fingerprint Card (FD-258), or successor version,
20 or provide fingerprints by livescan, with the application, except that this shall not be a requirement
21 for a renewal applicant.

22 (i) All applications shall include a copy of the instructor's credentials for the instructor who
23 certified their firing score on their application.

24 (j) All licensing authorities of a city or town shall use the following application:

25 Application for a concealed carry license pursuant to RIGL § 11-47-11

26 Name:

27 _____

28 Address:

29 _____

30 (Street and number) (City or town) (State and Zip Code)

31 Date of Birth: _____

32 Place of Birth: _____

33 Height: _____ Weight: _____

34 Hair color: _____ Eye color: _____

1 Are you a citizen of the United
2 States? _____

3 If you are not a United States citizen, please list your admission number:
4 _____

5 ARMY L or RI COMBAT COURSE shooting score:
6 _____

7 Name and certification number of NRA or RI instructor:
8 _____

9 Signature of instructor:
10 _____

11 Have you ever been convicted of a crime of violence (Pursuant to § 11-47-2):
12 _____

13 Are you a fugitive from justice (Pursuant to § 11-47-2):
14 _____

15 Have you ever been adjudicated as being addicted to a controlled substance (Pursuant to
16 § 11-47-6): _____

17 Have you ever been adjudicated as being mentally incompetent (Pursuant to § 11-47-6)
18 : _____

19 Have you been dishonorably discharged from the United States Military?
20 _____

21 To your knowledge, are you prohibited by federal or state law from possessing a firearm?
22 _____

23 For what lawful purpose do you seek to carry a pistol or revolver?
24 _____

25 Applicant's signature:
26 _____

27 (See § 11-47-23 for penalty for false information provided on this application)

28 AFFIDAVIT: I certify that I have read and am familiar with the provisions of the Firearms
29 Act, RIGL 11-47, of the State of Rhode Island, and that I am aware of the penalties for
30 violation of the provisions of the cited sections.

31 Signed

32 County of

33 State of Rhode Island (or other jurisdiction)

34 Subscribed and sworn before me this (month, date, year)

1 Notary Public

2 (k) No licensing authority shall require any additional forms, standards, information,
3 waivers or other additional requirements unless specifically requested by, or provided by, the
4 applicant.

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

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

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

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

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

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

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

22 **11-47-12. ~~License or permit fee.~~ License to carry weapon fee.**

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

31 **11-47-18. License or permit issued by attorney general on showing of need -- Issuance**
32 **to retired police officers.**

33 (a) The attorney general may issue a license or permit to any person twenty-one (21) years
34 of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person

1 everywhere within this state for four (4) years from date of issue upon a ~~proper~~ showing of need,
2 or employment and that he or she is a suitable person to be so licensed, subject to the provisions of
3 §§ 11-47-12 and 11-47-15; ~~that license or permit may be issued notwithstanding the provisions of~~
4 ~~§ 11-47-7.~~

5 (1) A license to carry a pistol or revolver may not be issued to and is immediately revoked
6 for an individual who is in violation of § 11-47-7.

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

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

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

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

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

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

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

34 (3) The applicant's height, weight, color of eyes and hair, date and place of birth, full Social

1 Security number;

2 (4) Applicant's occupation, job description, years of employment and employer's full
3 address and contact information, except that this information may only be required if the permit is
4 being requested as a condition of employment with a specific company;

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

8 (6) A listing of all of the applicant's full addresses for the last three (3) years, including
9 the dates of residence;

10 (7) Information relating to the applicant's arrest record including, but not limited to, the
11 date the applicant was arrested, the name of the city/town or arresting agency, the state the arrest
12 occurred in, the arresting charge and disposition;

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

16 (9) Information relating to the applicant's conviction record including, but not limited to,
17 the date the applicant was arrested, the name of the city/town or arresting agency, the state the arrest
18 occurred in, the arresting charge and disposition;

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

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

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

31 (g) The attorney general may require only the following with the application:

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

3 (2) Enclose two (2) 1" X 1" photographs of the applicant taken without headgear or glasses.
4 This photograph must be a clear, colored picture of the head and face. The applicant must print his
5 or her 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 ID, student ID or social security
10 card. At least one of these must be a government issued photo ID. The photocopies submitted must
11 be signed and dated by a notary public attesting to the photocopies as being true copies.

12 (4) The application must include the applicant's full set of fingerprints submitted on a FBI
13 FINGERPRINT APPLICANT CARD {FD-258 (Rev. 12-29-82 or successor version)} included
14 with the application. Fingerprint card must be signed by applicant. This requirement is not
15 necessary for a renewal application

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

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

30 (7) A copy of the N.R.A. instructor certification or the police officer's range certification
31 must be submitted with the application.

32 (8) The applicant's legal residence may be required. The residency requirement may be
33 satisfied by any one of the following methods: the application may be signed by the applicant's
34 local licensing authority, the application may be signed by the city or town chief of police, the

1 application may be signed by the city or town clerk or the applicant may submit a certified or
2 notarized copy the applicant's voter registration card.

3 (9) The applicant shall sign an affidavit certifying that he or she has read and is familiar
4 with all the provisions of chapter 47 of title 11, relating to weapons and acknowledges the penalties
5 for violations of the provisions of the cited sections. He or she shall further attest that any alteration
6 of the permit is just cause for revocation. The affidavit shall be dated and notarized and shall
7 indicate the date it was submitted to the licensing authority or the police department.

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

10 (h) The licensing authority may only use the applicant's social security number for the
11 background check.

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

15 (1) If the application is approved, the attorney general may require the applicant to be
16 present in the offices of the attorney general to sign and submit a fingerprint 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 (j) The provisions of §§ 11-47-35 and 11-47-35.2 shall not apply to persons licensed under
26 §11-47-18.

27 (k) The attorney general's renewal application for a license to carry a pistol or revolver
28 shall be as follows:

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 (f)
32 (1) of this section and shall only contain the requirements included in subsection (f)(2) of this
33 section, 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 for 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 (l) The attorney general shall establish and maintain an emergency permit extension on the
7 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 the attorney
12 general 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 charged and shall be paid to the attorney general
18 for the emergency 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 § 11-47-11(e).

23 **11-47-20. ~~Sale or possession of silencers.~~ Sale and possession of silencers.**

24 (a) It shall be unlawful within this state to ~~manufacture, sell, purchase, or~~ possess or use a
25 firearm, with an overall length of less than seventeen inches (17") that has attached any muffler,
26 silencer, or device for deadening or muffling the sound of ~~a~~ the firearm when discharged.

27 (b) Violations of this section shall be punished by imprisonment for not less than one year
28 and one day.

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

31 **38-2-2. Definitions.**

32 As used in this chapter:

33 (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or
34 administrative body of the state, or any political subdivision thereof; including, but not limited to:

1 any department, division, agency, commission, board, office, bureau, authority; any school, fire, or
2 water district, or other agency of Rhode Island state or local government that exercises
3 governmental functions; any authority as defined in § 42-35-1(b); or any other public or private
4 agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of
5 any public agency.

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

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

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

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

19 (b) Personnel and other personal individually identifiable records otherwise deemed
20 confidential by federal or state law or regulation, or the disclosure of which would constitute a
21 clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; provided,
22 however, with respect to employees, and employees of contractors and subcontractors working on
23 public works projects that are required to be listed as certified payrolls, the name, gross salary,
24 salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other
25 remuneration in addition to salary, job title, job description, dates of employment and positions
26 held with the state, municipality, or public works contractor or subcontractor on public works
27 projects, employment contract, work location, and/or project, business telephone number, the city
28 or town of residence, and date of termination shall be public. For the purposes of this section
29 "remuneration" shall include any payments received by an employee as a result of termination, or
30 otherwise leaving employment, including, but not limited to, payments for accrued sick and/or
31 vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision.

32 (II) Notwithstanding the provisions of this section, or any other provision of the general
33 laws to the contrary, the pension records of all persons who are either current or retired members
34 of any public retirement systems, as well as all persons who become members of those retirement

1 systems after June 17, 1991, shall be open for public inspection. "Pension records" as used in this
2 section, shall include all records containing information concerning pension and retirement benefits
3 of current and retired members of the retirement systems and future members of said systems,
4 including all records concerning retirement credits purchased and the ability of any member of the
5 retirement system to purchase retirement credits, but excluding all information regarding the
6 medical condition of any person and all information identifying the member's designated
7 beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries
8 have received or are receiving pension and/or retirement benefits through the retirement system.

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

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

13 (D) All records maintained by law enforcement agencies for criminal law enforcement and
14 all records relating to the detection and investigation of crime, including those maintained on any
15 individual or compiled in the course of a criminal investigation by any law enforcement agency.
16 Provided, however, such records shall not be deemed public only to the extent that the disclosure
17 of the records or information (a) Could reasonably be expected to interfere with investigations of
18 criminal activity or with enforcement proceedings; (b) Would deprive a person of a right to a fair
19 trial or an impartial adjudication; (c) Could reasonably be expected to constitute an unwarranted
20 invasion of personal privacy; (d) Could reasonably be expected to disclose the identity of a
21 confidential source, including a state, local, or foreign agency or authority, or any private institution
22 that furnished information on a confidential basis, or the information furnished by a confidential
23 source; (e) Would disclose techniques and procedures for law enforcement investigations or
24 prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or
25 (f) Could reasonably be expected to endanger the life or physical safety of any individual. Records
26 relating to management and direction of a law enforcement agency and records or reports reflecting
27 the initial arrest of an adult and the charge or charges brought against an adult shall be public.

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

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

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

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

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

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

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

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

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

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

21 (O) All tax returns.

22 (P) All investigatory records of public bodies, with the exception of law enforcement
23 agencies, pertaining to possible violations of statute, rule, or regulation other than records of final
24 actions taken, provided that all records prior to formal notification of violations or noncompliance
25 shall not be deemed to be public.

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

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

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

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

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

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

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

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

14 (Y) Any documentary material, answers to written interrogatories, or oral testimony
15 provided under any subpoena issued under Rhode Island general law § 9-1.1-6.

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

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

20 (BB) All documents, records and proceedings pursuant to the firearms act, appeal section
21 § 11-47-64, before a licensing authority, the office of the attorney general and the superior court
22 are not open to the public.

23 SECTION 3. 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 office of the attorney general. Said request must be submitted within
32 fifteen (15) days after the decision has been mailed to the address provided by the applicant.

33 (1) The licensing authority or the office of the attorney general shall schedule and conduct
34 an in-person meeting within thirty (30) days of the request to review and discuss the decision. Said

1 meeting shall only be scheduled or rescheduled beyond the initial thirty (30) day period by
2 agreement of the parties and/or for good cause, but in no event exceed sixty (60) days.

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

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

9 (4) The applicant may be represented at this meeting by an attorney.

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

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

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

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

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

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

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

33 (f) The superior court shall award reasonable attorneys' fees, costs and filing fees to the
34 prevailing applicant if the court finds that there is no justiciable issue of either law of fact or to the

1 prevailing applicant if the licensing authority or the department of the attorney general did not have
2 a good faith basis in the denial of the license or permit.

3 SECTION 4. Chapter 20-13 of the General Laws entitled "Hunting and Hunting Safety" is
4 hereby amended by adding thereto the following section:

5 **20-13-18. Hunting with suppressor.**

6 (a) An individual in lawful possession of a device that will silence, suppress, or muffle the
7 sound or natural report of a rifle or shotgun when the rifle or shotgun is discharged may, at his or
8 her sole discretion, use such device to hunt any game for which the individual is licensed, provided
9 the host rifle or shotgun to which the device is attached is allowed.

10 (b) No city, town, committee, board or state or local agency may enact rules, regulations
11 or ordinances requiring or in any other manner mandating the use of a device that will silence,
12 suppress, or muffle the sound or natural report of a rifle or shotgun.

13 SECTION 5. This act shall take effect upon passage.

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

1 This act would, for firearms purposes, define a suitable person for purposes of authorization
2 to lawfully possess a pistol or revolver; would set forth conditions where Rhode Island may
3 recognize a concealed weapon permit or license issued by a reciprocal state; would create an
4 application form that must be completed and submitted by an individual seeking a weapon or permit
5 license; would establish a time frame within which an application must be approved or denied;
6 would detail the process of review or appeal for individuals whose application has been denied;
7 and would set forth a process for an emergency permit extension to an existing permit.

8 This act would take effect upon passage.

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