

2022 -- S 2543

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

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

Date Introduced: March 01, 2022

Referred To: Senate 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 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 himself or herself, or to another  
17 person. Any person may be considered unsuitable if the law enforcement agency doing the  
18 background check or the department of attorney general has evidence which supports a good faith  
19 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 who  
27 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 (Street and number) (City or town) (State) (ZIP)

33 Date of Birth: \_\_\_\_\_ Place of Birth \_\_\_\_\_

34 Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Color hair: \_\_\_\_\_ Color eyes: \_\_\_\_\_

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

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

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

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

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

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

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

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

18 **11-47-12. License or permit fee.**

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

27 **11-47-18. License or permit issued by attorney general on showing of need -- Issuance**  
28 **to retired police officers.**

29 (a) The attorney general ~~may~~ shall issue a license or permit to any person twenty-one (21)  
30 years of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person  
31 everywhere within this state for four (4) years from the date of issue upon a ~~proper~~ showing of  
32 need, or the applicant has good reason to fear an injury their person or property, or for employment,  
33 and that they are a suitable person to be so licensed, subject to the provisions of §§ 11-47-12 and  
34 ~~11-47-15; that license or permit may be issued notwithstanding the provisions of § 11-47-7.~~

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

30           (1) A dated, signed and notarized typed statement from the applicant outlining the  
31 applicant's specific reasons and details regarding his or her need for a Rhode Island permit. If the  
32 permit is to be used for employment, a typed and signed letter of explanation must be submitted on  
33 the applicant's employer's letterhead and included with the application. In addition, the applicant  
34 must submit a copy of the business license or other such evidence that the business exists.

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

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

11           (i) The licensing authority may only use the applicant’s social security number for the  
12 background check.

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

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

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

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

33           (8) The applicant’s legal residence may be required. The residency requirement may be  
34 satisfied by any one of the following methods: the application may be signed by the applicant’s

1 local licensing authority; the application may be signed by the city or town chief of police; the  
2 application may be signed by the city or town clerk; or the applicant may submit a certified or  
3 notarized copy the applicant's voter registration card.

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

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

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

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

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

23 (i) The provisions of §§ 11-47-35 and 11-47-35.2 shall not apply to persons licensed under  
24 § 11-47-18.

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

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

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

32 (i) The three (3) dated, signed and notarized typed reference letters from individuals who  
33 personally know the applicant are not required upon renewal.

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

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

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

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

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

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

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

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

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

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

23           **11-47-64. Review and appeal of the decision of the licensing authority or attorney**  
24 **general.**

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

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

32           (1) The licensing authority or the department of attorney general shall schedule and conduct  
33 an in-person meeting within thirty (30) days of the request to review and discuss the decision. Said  
34 meeting shall only be scheduled or rescheduled beyond the initial thirty (30) day period by

1 agreement of the parties and/or for good cause, but in no event exceed sixty (60) days.

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

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

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

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

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

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

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

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

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

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

32 (f) The superior court shall award reasonable attorney fees, costs and filing fees to the  
33 prevailing applicant if the court finds that there is no justiciable issue of either law of fact or to the  
34 prevailing applicant if the licensing authority or the department of attorney general did not have a

1 [good faith basis in the denial of the license or permit.](#)

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

4 **38-2-2. Definitions.**

5 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

1 relating to management and direction of a law enforcement agency and records or reports reflecting  
2 the initial arrest of an adult and the charge or charges brought against an adult shall be public.

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

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

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

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

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

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

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

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

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

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

30 (O) All tax returns.

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



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

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

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

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

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

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

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

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

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

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

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

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

1 SECTION 4. 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

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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.

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