

2015 -- S 0528

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO CRIMINAL OFFENSES - WEAPONS

Introduced By: Senators Miller, and Goldin

Date Introduced: February 26, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-47-11 of the General Laws in Chapter 11-47 entitled "Weapons"
2 is hereby amended to read as follows:
3 **11-47-11. License or permit to carry concealed pistol or revolver.** -- (a) The licensing
4 ~~authorities~~ authority, police department or enforcement entity providing police services of any
5 city or town ~~shall~~ may issue a license or permit to, ~~upon application of~~ any person twenty-one
6 (21) years of age or over having a bona fide residence or place of business within the city or
7 town, or of any person twenty-one (21) years of age or over having a bona fide residence within
8 the United States and a license or permit to carry a pistol or revolver concealed upon his or her
9 person issued by the authorities of any other state or subdivision of the United States, provided
10 the applicant can show that he or she has undertaken, at a minimum, the requirements set forth in
11 § 11-47-15, issue a license or permit to the person to carry concealed upon his or her person a
12 pistol or revolver everywhere within this state for four (4) years from date of issue, if it appears
13 that the applicant has good reason to fear an injury to his or her person or property or upon proper
14 showing of need ~~has any other proper reason for carrying a pistol or revolver,~~ and that he or she is
15 a suitable person to be so licensed, subject to the provisions of §§ 11-47-12 and 11-47-15. The
16 license or permit shall be in triplicate in form to be prescribed by the attorney general and shall
17 bear the fingerprint, photograph, name, address, description, and signature of the licensee and the
18 reason given for desiring a license or permit and in no case shall it contain the serial number of
19 any firearm. The original shall be delivered to the licensee. Any member of the licensing

1 authority, its agents, servants, and employees shall be immune from suit in any action, civil or
2 criminal, based upon any official act or decision, performed or made in good faith in issuing a
3 license or permit under this chapter.

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

12 (c) Firearms licensing review board - Appeals to board - Hearings. There shall be
13 established a firearms licensing review board, within the executive branch, hereinafter referred to
14 as “the board”, to be comprised of seven (7) members appointed by the governor, two (2) of
15 whom shall be designated by the governor, one of whom shall be a federally licensed gun
16 merchant, and one of whom shall be the chief of police of a Rhode Island city or town; one of
17 whom shall be the superintendent of the state police, or designee; two (2) of whom shall be
18 designated by the attorney general; one of whom shall be designated by the director of
19 environmental management and one of whom shall be designated by the director of the state
20 department of health and human services. The designees of the attorney general shall be attorneys
21 licensed in the state of Rhode Island and one shall serve as chairman of the board.

22 (2) Any person aggrieved by any refusal to issue or renew a permit or license under § 11-
23 47-11 or by any limitation or revocation of a permit or certificate issued under any of said
24 sections as provided in §11-47-11, may, within ninety (90) days after receipt of notice of such
25 refusal, limitation or revocation, and without prejudice to any other course of action open to such
26 person in law or in equity, appeal to the board. On such appeal the board shall inquire into and
27 determine the facts, de novo, and unless it finds that such a refusal, limitation or revocation,
28 would be for just and proper cause, it shall order such permit or certificate to be issued, renewed
29 or restored, or the limitation removed or modified, as the case may be.

30 (3) Any person aggrieved by the action of an issuing authority may file with the board a
31 clear and concise statement of the facts on which he or she relies for relief, and shall state the
32 relief sought by the appellant. The aggrieved person shall have the burden of proof by a
33 preponderance of evidence. The receipt by the board of the appellant's statement shall initiate the
34 appeals process, and no appeal may be rejected for mere lack of formality. The board shall,

1 within ten (10) days next following receipt of the appeal, set a time and place at which the appeal
2 shall be heard. The board, while such appeal is pending, may request such additional information
3 from the appellant and from the issuing authority as it deems reasonably necessary to conduct a
4 fair and impartial hearing, and shall require of the issuing authority from whose decision or action
5 the appeal is being sought a statement in writing setting forth the reasons for such failure, refusal,
6 revocation or limitation. Failure or refusal of the issuing authority to furnish such written
7 statement at least ten (10) days prior to the hearing shall be cause for the board to grant the relief
8 sought, forthwith and without further hearing.

9 (4) The board shall hold hearings at such times and places as it in its discretion
10 reasonably determines to be required, but not less than once every ninety (90) days, and shall give
11 reasonable notice of the time and place of the hearing to the appellant and to the issuing authority.
12 The board shall have the power to compel attendance at its sessions.

13 (5) All appeals hearings shall be conducted in an informal manner, but otherwise
14 according to the rules of evidence, and all witnesses shall be sworn by the chairperson. The board
15 shall cause a verbatim transcript of the hearing to be kept in such manner as it may determine,
16 and shall furnish such transcript to any party appealing its decision as hereinafter set forth. The
17 statements of witnesses made under oath shall be privileged. Decisions of the board shall be by
18 majority vote and shall be communicated in writing to the appellant and to the issuing authority
19 within twenty (20) days after the rendering of the decision. If any issuing authority neglects or
20 refuses to comply with a decision of the board within ten (10) days after notice of the board's
21 decision has been given to such issuing authority, the board shall apply to the superior court for a
22 writ of mandamus to enforce the board's decision. Failure of the board to provide a decision
23 within twenty (20) days shall be considered an approval.

24 (6) Any person aggrieved by the decision of the board may appeal therefrom in
25 accordance with the provisions of §42-35-15.

26 (7) The board shall serve without compensation, but its members shall be entitled to
27 reasonable subsistence and travel allowances in the performance of their duties.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES - WEAPONS

1 This act would provide the licensing authorities (the attorney general or police
2 departments) for permits to carry concealed weapons, discretion in deciding whether to issue such
3 permit and would require that the applicant exhibit a "proper showing of need" for such permit.
4 This act would also establish a procedure for appeals to a review board if an application for a
5 concealed permit is denied and would provide further appeal under the administrative procedures
6 act thereafter.

7 This act would take effect upon passage.

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