

2023 -- S 0355

LC000964

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators de la Cruz, Rogers, F. Lombardi, Ciccone, DeLuca, E Morgan,
Burke, and Raptakis

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-47 of the General Laws entitled "Weapons" is hereby amended
2 by adding thereto the following section:

3 **11-47-8.2. Review and appeal of the decision of the licensing authority or attorney**
4 **general.**

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

8 (b) An aggrieved individual may submit a written request to reconsider the denial to the
9 licensing authority or the department of the attorney general. Said request shall be submitted within
10 fifteen (15) days after the decision has been mailed to the address provided by the applicant.

11 (1) The licensing authority or the department of the attorney general shall schedule and
12 conduct an in-person meeting within fourteen (14) days of the request to review and discuss the
13 decision. Said meeting shall only be scheduled or rescheduled beyond the initial fourteen (14) day
14 period by agreement of the parties or for good cause, but in no event exceed sixty (60) days.

15 (2) The applicant may submit any supplemental documentation relative to the application,
16 which shall become part of the application.

17 (3) The meeting shall be conducted as an informal meeting, not as an administrative
18 hearing. The licensing authority or the department of the attorney general shall receive and consider
19 documents and other evidence without regard to statutory and common law rules. A stenographic

1 record, transcription, video, audio or other recording is only allowed by agreement of the parties.

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

3 (5) The licensing authority or the department of the attorney general shall, within seven (7)
4 days after the meeting mail, a decision to the applicant granting or denying the application. Any
5 denial shall be in writing and state with specificity the reason(s) and evidence upon which the denial
6 was based and the rationale for the denial.

7 (c) An aggrieved individual may submit an appeal of the decision denying a permit
8 pursuant to either §§ 11-47-11 or 11-47-18 or of the decision of the request to reconsider to the
9 superior court for the county in which the licensing authority or attorney general is located, in the
10 form of a miscellaneous petition, within fifteen (15) days after the decision has been mailed to the
11 applicant at the address listed on the application.

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

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

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

19 (d) Pursuant to chapter 3 of title 38, the request to reconsider and the appeal to the superior
20 court, shall not be deemed public. All documents, records and proceedings before the licensing
21 authority, the department of the attorney general and the superior court shall not be open to the
22 public, but may be accessed by law enforcement personnel to be used for law enforcement purposes
23 only and shall otherwise remain otherwise confidential.

24 (e) An applicant may have his or her hearing open to the public upon written request to the
25 superior court.

26 (f) The superior court may award reasonable attorneys' fees, costs and filing fees to the
27 prevailing applicant if the court finds that there is no justiciable issue of either law of fact, or if the
28 licensing authority or the department of the attorney general did not have a good faith basis in the
29 denial of the license or permit.

30 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 review and appeal process for individuals applying for a permit
2 or license to carry a handgun with the licensing authority or attorney general. This act would
3 provide that an applicant denied a concealed carry handgun permit, could request a meeting with
4 the licensing authority to reconsider the application. If the licensing authority fails to approve the
5 application after the meeting, then an appeal for a trial de nova may be taken to the superior court.
6 The act would further provide that the documents, records and proceedings before the licensing
7 authority and before the superior court shall not be open to the public unless the applicant requests
8 in writing that that hearing be open to the public.

9 This act would take effect upon passage.

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