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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Representatives Edwards, Chippendale, Canario, Fellela, and Lima

Date Introduced: March 30, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

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

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

5 (1) "Antique firearm" is defined as that term is defined under the provisions of 18 U.S.C.
6 § 921.

7 (2) "Crime of violence" means and includes any of the following crimes or an attempt to
8 commit any of them: murder, manslaughter, rape, first or second degree sexual assault, first or
9 second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery,
10 burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or
11 delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a
12 controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-
13 28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a
14 dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to
15 commit any offense punishable as a felony; upon any conviction of an offense punishable as a
16 felony offense under § 12-29-5.

17 (3) "Firearm" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB
18 gun," or other instrument from which steel or metal projectiles are propelled, or which may
19 readily be converted to expel a projectile, except crossbows, recurve, compound, or longbows,

1 and except instruments propelling projectiles which are designed or normally used for a primary
2 purpose other than as a weapon. The frame or receiver of the weapon shall be construed as a
3 firearm under the provisions of this section.

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

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

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

19 (7) "Person" includes an individual, partnership, firm, association, or corporation.

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

23 (9) "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches
24 (26") and/or barrel length of less than sixteen inches (16").

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

27 (11) "Sell" includes let or hire, give, lend, and transfer, and "purchase" includes hire,
28 accept, and borrow, and "purchasing" shall be construed accordingly.

29 (12) "Suitable person" means any person who is not prohibited by state law from
30 possessing a pistol or revolver. A person may be considered unsuitable if the licensing authority
31 has clear and convincing evidence that the person is a clear and present danger to themselves or
32 to any person. A person may be considered unsuitable if the police department or the attorney
33 general has some evidence which supports a good faith belief that they are a member of a
34 criminal street gang as defined in §12-19-39.

1 **11-47-11. License or permit to carry concealed pistol or revolver.**

2 (a) The licensing authorities of any city or town shall, upon application of any person
3 twenty-one (21) years of age or over having a bona fide residence or place of business within the
4 city or town, or of any person twenty-one (21) years of age or over having a bona fide residence
5 within the United States and a license or permit to carry a pistol or revolver concealed upon his or
6 her person issued by the authorities of any other state or subdivision of the United States, issue a
7 license or permit to the person to carry concealed upon his or her person a pistol or revolver
8 everywhere within this state for four (4) years from date of issue, if ~~it appears~~ that the applicant
9 has good reason to fear an injury to his or her person or property or ~~has any other proper reason~~
10 any lawful reason for carrying a pistol or revolver, and ~~that~~ he or she is a suitable person to be so
11 licensed, subject to the provisions of §§11-47-12 and 11-47-15. The license or permit shall be in
12 triplicate in form to be prescribed by the attorney general and shall bear the fingerprint,
13 photograph, name, address, description, and signature of the licensee and the reason given for
14 desiring a license or permit and in no case shall it contain the serial number of any firearm. The
15 original shall be delivered to the licensee. Any member of the licensing authority, its agents,
16 servants, and employees shall be immune from suit in any action, civil or criminal, based upon
17 any official act or decision, performed or made in good faith in issuing a license or permit under
18 this chapter.

19 (1) The license or permit shall bear the fingerprint, photograph, name, address, physical
20 description and signature of the licensee or permit holder. In no case shall it contain the serial
21 number of any firearm. The original shall be delivered to the licensee.

22 (2) The licensing authority shall retain a copy of the permit for its records and provide a
23 second copy to the department of attorney general. All permits issued or renewed pursuant to this
24 section shall be recorded in the Rhode Island bureau of criminal identification's database or any
25 successor system.

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

29 (b) Notwithstanding any other chapter or section of the general laws of the state of Rhode
30 Island, the licensing authority of any city or town shall not provide or release to any individual,
31 firm, association or corporation the name, address, or date of birth of any person who has held or
32 currently holds a license or permit to carry a concealed pistol or revolver. This section shall not
33 be construed to prohibit the release of any statistical data of a general nature relative to age,
34 gender and racial or ethnic background nor shall it be construed to prevent the release of

1 information to parties involved in any prosecution of § 11-47-8 or in response to a lawful
2 subpoena in any criminal or civil action which the person is a party to that action.

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

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

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

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

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

17 (e) Any permit issued pursuant to this section is eligible to be renewed if it is not expired,
18 or has been expired for less than one year. Any person whose permit has been expired for one
19 year or more may apply for a new permit under this section.

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

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

22 (2) Making it immediately available at the licensing authority's office, free of charge, to
23 any person who requests it; and

24 (3) Through regular mail upon request of an applicant.

25 (g) All applications submitted by any person shall include copies of two (2) forms of
26 identification, such as, a government issued driver's license, a state issued non-driver
27 identification card, a concealed carry permit issued by any other state or political subdivision of
28 any state, a passport, immigration documentation, military identification card, student
29 identification card, social security card or a birth certificate. At least one shall be a government
30 issued identification card and shall bear a photograph of the applicant.

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

33 (h) All applications shall include an FBI fingerprint card, (FD-258), or any successor
34 version, with the application, except that this shall not be a requirement for a renewal application.

1 (i) All applications shall include a copy of the instructor's credentials who certified the
2 applicant's firing score.

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

4 (Face of application form)

5 **Application for a concealed carry license pursuant to R.I.G.L. §11-47-11**

6 Name _____

7 Address _____

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

9 Date of Birth Place of Birth _____

10 Height Weight Hair color _____

11 Eye color _____

12 Are you a citizen of the United States? _____

13 If you are not a U.S. citizen, list your immigration admission number _____

14 Are you a citizen of Rhode Island? _____

15 ARMY L or RI COMBAT COURSE shooting score. _____

16 Name and certification number of NRA or RI instructor. _____

17 Signature of Instructor. _____

18 Have you ever been convicted of a crime of violence (see §11-47-2)? _____

19 Are you a fugitive from justice (see §11-47-2)? _____

20 Have you ever been adjudicated or under confinement as addicted to a controlled substance (see
21 §11-47-6)? _____

22 Have you ever been adjudicated mentally incompetent? (see §11-47-6)? _____

23 Have you ever been dishonorably discharged from the military? _____

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

25 Please state the purpose and reasons for seeking to carry a firearm pursuant to this
26 section. _____

27 _____

28 _____

29 Applicant's signature _____

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

31 AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§11-47-1
32 through 11-47-55, inclusive, of the general laws of the state of Rhode Island and Providence
33 Plantations, and that I am aware of the penalties for violation of the provisions of the cited
34 sections.

1 Signed _____
2 County of _____
3 State of Rhode Island
4 Subscribed and sworn before me this _____ day of _____ A.D. 20
5 Notary Public: _____
6 My Commission expires: _____ Notary number: _____
7 Seal:

8 (k) No licensing authority shall require any additional forms, standards, information, or
9 impose any other requirements than those contained in this section.

10 (l) The licensing authority shall establish and maintain an emergency permit extension on
11 the renewal application for a licensee to carry a concealed weapon.

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

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

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

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

23 (5) An emergency license to carry a concealed weapon, will be valid for ninety (90) days
24 only.

25 (6) Nothing in this subsection, the emergency permit extension provision set forth in this
26 section, shall be construed or interpreted to stay or toll the time periods in the renewal process as
27 set forth in subsection (c), (d) or (e) of this section.

28 **11-47-12. License or permit fee.**

29 A fee of forty dollars (\$40.00) shall be charged and shall be paid for a license or permit to
30 carry a weapon ~~each license or permit~~ to the licensing authority issuing it. Every license or permit
31 shall be valid for four (4) years from the date when issued unless sooner revoked, subject to the
32 emergency provision contained in §11-47-11. The fee charged for issuing of the license or permit
33 shall be applied for the use and benefit of the city, town, or state of Rhode Island department of
34 attorney general.

1 **11-47-18. License or permit issued by attorney general on showing of need --**

2 **Issuance to retired police officers.**

3 (a) The attorney general may issue a license or permit to any person twenty-one (21)
4 years of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person
5 everywhere in this state for four (4) years for the date of issuance upon a ~~proper~~ showing of need
6 and that they are a suitable person to be so licensed, subject to the provisions of §§ 11-47-12 and
7 11-47-15; provided, that no license or permit shall be issued or granted to any person in violation
8 of §11-47-7 ~~that license or permit may be issued notwithstanding the provisions of § 11-47-7.~~

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

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

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

28 (e) The attorney general may request only the following information on the application:

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (f) 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 their 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

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

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

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

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

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

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

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

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

1 (8) The applicant's legal residence may be required. The residency requirement may be
2 satisfied by any one of the following methods:

3 (i) The application may be signed by the applicant's local licensing authority;

4 (ii) The application may be signed by the city or town chief of police;

5 (iii) The application may be signed by the city or town clerk; or

6 (iv) The applicant may submit a certified or notarized copy of the applicant's voter
7 registration card.

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

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

17 (1) If the application is approved, the attorney general may require the applicant to be
18 present in the offices of the attorney general to sign and submit a fingerprint for the permit.

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

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

27 (h) The provisions of §§11-47-35 and 11-47-35.2 shall not apply to persons licensed
28 under §11- 47-18.

29 (i) The attorney general's renewal application for a license to carry a pistol or revolver
30 shall be as follows:

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

33 (2) The renewal application shall include only the information included in subsection
34 (d)(1) of this section and shall only contain the requirements included in subsection (d)(2) of this

1 section, with the following exceptions:

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

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

5 (3) The attorney general shall within thirty (30) days of receipt of the renewal
6 application, if there is no material change in the applicant's renewal application, no material
7 change in need and no change in the applicant's criminal history, automatically approve the
8 renewal application.

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

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

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

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

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

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

24 (6) Nothing in the emergency permit extension section shall be construed or interpreted
25 to stay or toll the time periods in the renewal process as outlined in subsections (a) and (g) of this
26 section.

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

29 **11-47-64. Review and appeal of the decision of the licensing authority or attorney**
30 **general.**

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

34 (b) An aggrieved individual may submit a written request to reconsider the denial to the

1 licensing authority or the department of the attorney general. Said request must be submitted
2 within fifteen (15) days after the decision has been mailed to the address provided by the
3 applicant.

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

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

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

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

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

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

24 (i) The petition for review shall state the grounds upon which review is sought but need
25 not be verified.

26 (ii) Upon appeal, the petitioner is entitled to a trial de novo before a justice of the superior
27 court without a jury.

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

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

1 and shall remain otherwise confidential.

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

4 (f) The superior court shall award reasonable attorney fees, costs and filing fees to the
5 prevailing applicant if the court finds that there is no justiciable issue of either law of fact or to
6 the prevailing applicant if the licensing authority or the department of the attorney general did not
7 have a good faith basis in the denial of the license or permit.

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

10 **38-2-2. Definitions.**

11 As used in this chapter:

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

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

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

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

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

32 (b) Personnel and other personal individually-identifiable records otherwise deemed
33 confidential by federal or state law or regulation, or the disclosure of which would constitute a
34 clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; provided,

1 however, with respect to employees, and employees of contractors and subcontractors working on
2 public works projects which are required to be listed as certified payrolls, the name, gross salary,
3 salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other
4 remuneration in addition to salary, job title, job description, dates of employment and positions
5 held with the state, municipality, employment contract, or public works contractor or
6 subcontractor on public works projects work location, and/or project, business telephone number,
7 the city or town of residence, and date of termination shall be public. For the purposes of this
8 section "remuneration" shall include any payments received by an employee as a result of
9 termination, or otherwise leaving employment, including, but not limited to, payments for
10 accrued sick and/or vacation time, severance pay, or compensation paid pursuant to a contract
11 buy-out provision.

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

24 (B) Trade secrets and commercial or financial information obtained from a person, firm,
25 or corporation which is of a privileged or confidential nature.

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

28 (D) All records maintained by law enforcement agencies for criminal law enforcement
29 and all records relating to the detection and investigation of crime, including those maintained on
30 any individual or compiled in the course of a criminal investigation by any law enforcement
31 agency. Provided, however, such records shall not be deemed public only to the extent that the
32 disclosure of the records or information (a) could reasonably be expected to interfere with
33 investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of
34 a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an

1 unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the
2 identity of a confidential source, including a state, local, or foreign agency or authority, or any
3 private institution which furnished information on a confidential basis, or the information
4 furnished by a confidential source, (e) would disclose techniques and procedures for law
5 enforcement investigations or prosecutions, or would disclose guidelines for law enforcement
6 investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical
7 safety of any individual. Records relating to management and direction of a law enforcement
8 agency and records or reports reflecting the initial arrest of an adult and the charge or charges
9 brought against an adult shall be public.

10 (E) Any records which would not be available by law or rule of court to an opposing
11 party in litigation.

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

14 (G) Any records which disclose the identity of the contributor of a bona fide and lawful
15 charitable contribution to the public body whenever public anonymity has been requested of the
16 public body with respect to the contribution by the contributor.

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

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

21 (J) Any minutes of a meeting of a public body which are not required to be disclosed
22 pursuant to chapter 46 of title 42.

23 (K) Preliminary drafts, notes, impressions, memoranda, working papers, and work
24 products; provided, however, any documents submitted at a public meeting of a public body shall
25 be deemed public.

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

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

32 (N) The contents of real estate appraisals, engineering, or feasibility estimates and
33 evaluations made for or by an agency relative to the acquisition of property or to prospective
34 public supply and construction contracts, until such time as all of the property has been acquired

1 or all proceedings or transactions have been terminated or abandoned; provided the law of
2 eminent domain shall not be affected by this provision.

3 (O) All tax returns.

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

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

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

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

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

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

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

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

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

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

34 (Z) Any individually identifiable evaluations of public school teachers made pursuant to

1 state or federal law or regulation.

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

4 (BB) All documents records and proceedings generated pursuant to any filing, hearing,
5 meeting, conference or by any other reason pursuant to §11-47-64, including those records or
6 hearings before any licensing authority, the department of the attorney general or the superior
7 court.

8 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

1 This act would set forth the application requirements for concealed carry permits for
2 firearms, would provide an appellate procedure if the application is denied and would make those
3 records exempt from the access to public records act.

4 This act would take effect upon passage.

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LC002292
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