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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

Introduced By: Senators Archambault, Lombardi, and Lombardo

Date Introduced: January 23, 2018

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) "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 another person. Any person may be considered unsuitable if the police department or the
33 attorney general has some evidence which supports a good faith belief that they are a member of
34 a 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~~ any
10 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.

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

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

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

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

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

34 (d) The licensing authority shall approve or deny a complete application within ninety

1 (90) calendar days of receiving it.

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

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

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

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

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

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

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

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

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

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

24 (h) All applications shall include an FBI fingerprint card (FD-258), or successor version,
25 or provide fingerprints by livescan, with the application, except that this shall not be a
26 requirement for a renewal applicant.

27 (i) All Applications shall include a copy of the instructor's credentials for the instructor
28 who certified their firing score on their application.

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

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

31 Name _____

32 Address _____

33 (Street and number) (City or Town) (State)

34 Date of Birth _____ Place of Birth _____

1 Height Weight Color hair Color eyes
2 Are you a citizen of the United States?
3 If you are not a US citizen, please list your admission number
4 ARMY L or RI COMBAT COURSE shooting score
5 Name and certification number of NRA or RI instructor
6 Signature of instructor
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
10 (pursuant to § 11-47-6)?
11 Have you ever been adjudicated as being mentally incompetent (pursuant to § 11-47-
12 6)?
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 For what lawful purpose do you seek to carry a pistol or revolver?
16 Applicant's signature
17 (See § 11-47-23 for penalty for false information provided on this application)

18 AFFIDAVIT: I certify that I have read and am familiar with the provisions of the
19 Firearms Act, Chapter 47 of Title 11, of the general laws of the State of Rhode Island and
20 Providence Plantations, and that I am aware of the penalties for violation of the provisions of the
21 cited sections.

22 Signed

23 County of

24 State of Rhode Island (or other jurisdiction)

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

26 Notary Public

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

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

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

34 (2) A complete renewal application must be delivered to the licensing authority prior to

1 the license expiration date.

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

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

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

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

12 **11-47-12. License to carry weapon fee.**

13 A fee of forty dollars (\$40.00) shall be charged and shall be paid for ~~each license or~~
14 ~~permit~~ a license or permit to carry a weapon to the licensing authority ~~issuing it and/or the~~
15 attorney general upon issuance. No additional fees or costs of any type shall be charged for any
16 reason, except, that the actual fee charged by the FBI to process fingerprints may be charged to
17 the applicant. Every license or permit shall be valid for four (4) years from the date when issued
18 unless sooner revoked, subject only to the emergency provision contained herein. The fee charged
19 for issuing of the license or permit shall be applied for the use and benefit of the city, town, or
20 ~~state of Rhode Island~~ office of the attorney general.

21 **11-47-18. License or permit issued by attorney general on showing of need --**
22 **Issuance to retired police officers.**

23 (a) The attorney general may issue a license or permit to any person twenty-one (21)
24 years of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person
25 everywhere within this state for four (4) years from date of issue upon a ~~proper~~ showing of need,
26 and that they are a suitable person to be so licensed, subject to the provisions of §§ 11-47-12 and
27 11-47-15; .

28 (1) A license to carry a pistol or revolver ~~that license or permit may be issued~~
29 ~~notwithstanding the provisions~~ may not be issued to and shall be immediately revoked for an
30 individual who is in violation of § 11-47-7.

31 (b) All state police officers and permanent members of city and town police forces of
32 this state who have retired in good standing after at least twenty (20) years of service, or retired in
33 good standing due to a physical disability other than a psychological impairment, ~~may~~ shall be
34 issued a license or permit by the attorney general subject to the provisions of §§ 11-47-12 and 11-

1 47-15. The term "in good standing" means that at the time of retirement, the police officer was
2 not facing disciplinary action that could have resulted in his or her termination for misconduct or
3 unfitness for office. Any member of the licensing authority, and its agents, servants, and
4 employees shall be immune from suit in any action, civil or criminal, based upon any official act
5 or decision, performed or made in good faith in issuing a license or permit under this chapter.

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

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

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

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

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

21 (3) The applicant's height, weight, color of eyes and hair, date and place of birth, full
22 Social Security number.

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

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

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

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

34 (8) Information relating to the applicant's plea of nolo contendere to any charge or

1 violation including, but not limited to, the date applicant was arrested, the name of the city/town
2 or arresting agency, the state the plea occurred in, the arresting charge and disposition.

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

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

9 (11) Information relating to the applicant if they were ever under a guardianship or been
10 subject to confinement by virtue of being a mental incompetent, or have been adjudicated or are
11 under treatment or confinement as a drug addict including, but not limited to, the dates thereof.

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

17 (13) All nonresident applicants must include a copy of both the front and the back of their
18 home state permit, if they have one.

19 (f) The attorney general may require only the following with the application:

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

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

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

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

3 (4) The application must include the applicant's full set of fingerprints submitted on an
4 FBI fingerprint applicant card (FD-258 (Rev. 12-29-82 or successor version)) included with the
5 application. Fingerprint card must be signed by applicant. This is not necessary for a renewal
6 application

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

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

20 (7) A copy of the N.R.A. instructor certification and/or the police officers range
21 certification must be submitted with the application.

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

24 (i) Application may be signed by the applicant's local licensing authority;

25 (ii) Application may be signed by the city or town chief of police;

26 (iii) Application may be signed by the city or town clerk; or

27 (iv) Applicant may submit a certified or notarized copy the applicant's voter registration
28 card.

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

34 (g) The attorney general shall, within ninety (90) days for an in-state applicant or one

1 hundred twenty (120) days for an out-of-state applicant from the receipt of a complete application
2 either approve or deny the application.

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

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

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

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

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

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

19 (2) The renewal application shall include only the information included in subsection
20 (e)(1) of this section and shall only contain the requirements included in subsection (f)(2) of this
21 section, with the following exceptions:

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

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

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

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

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

34 (2) A complete renewal application must be delivered to the department of the attorney

1 general prior to the license expiration date.

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

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

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

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

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

14 **11-47-64. Review and appeal of the decision of the licensing authority or attorney**
15 **general.**

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

19 (b) An aggrieved individual may submit a written request to reconsider the denial to the
20 licensing authority or the department of the attorney general. The request must be submitted
21 within fifteen (15) days after the decision has been mailed to the address provided by the
22 applicant.

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

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

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

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

34 (5) The licensing authority or the department of the attorney general shall within seven

1 (7) days after the meeting mail a decision to the applicant granting or denying the application.
2 Any denial shall be in writing and state with specificity the reason(s) and evidence upon which
3 the denial was based and the rationale for the denial.

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

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

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

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

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

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

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

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

29 **38-2-2. Definitions.**

30 As used in this chapter:

31 (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or
32 administrative body of the state, or any political subdivision thereof; including, but not limited to:
33 any department, division, agency, commission, board, office, bureau, authority; any school, fire,
34 or water district, or other agency of Rhode Island state or local government that exercises

1 governmental functions; any authority as defined in § 42-35-1(b); or any other public or private
2 agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of
3 any public agency.

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

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

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

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

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

31 (II) Notwithstanding the provisions of this section, or any other provision of the general
32 laws to the contrary, the pension records of all persons who are either current or retired members
33 of any public retirement systems, as well as all persons who become members of those retirement
34 systems after June 17, 1991, shall be open for public inspection. "Pension records" as used in this

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

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

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

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

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

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

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

1 public body with respect to the contribution by the contributor.

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

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

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

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

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

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

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

24 (O) All tax returns.

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

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

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

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

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

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

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

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

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

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

21 (Z) Any individually identifiable evaluations of public school teachers made pursuant to
22 state or federal law or regulation.

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

25 (BB) All documents, records, and proceedings pursuant to the firearms act appeals
26 pursuant to § 11-47-64, before a licensing authority, the department of attorney general and the
27 superior court are not open to the public.

28 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 make numerous changes to the procedures regarding the issuance of
2 concealed carry permits, the fees associated with their issuance, and the public records accessible
3 by the public in relating thereto.

4 This act would take effect upon passage.

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