

2020 -- S 2418

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO CRIMINAL OFFENSES -- WEAPONS

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

Date Introduced: February 13, 2020

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
7 has been mailed by the licensing authority 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. The request must be submitted
10 within fifteen (15) days after the decision has been mailed to the address provided by the
11 applicant.

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

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

18 (3) The meeting shall be conducted as an informal meeting, not as an administrative
19 hearing. The licensing authority or the department of the attorney general shall receive and

1 consider documents and other evidence without regard to statutory and common law rules. A
2 stenographic record, transcription, video, audio or other recording is only allowed by agreement
3 of the parties.

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

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

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

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

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

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

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

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

28 (f) The superior court may award reasonable attorneys' fees, costs and filing fees to the
29 prevailing applicant if the court finds that there is no justiciable issue of either law or fact or to
30 the prevailing applicant if the licensing authority or the department of the attorney general denied
31 the license or permit in bad faith.

32 SECTION 2. 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 provide for a review and appeal process for individuals who are denied a
2 permit or license to carry firearms by the licensing authority or attorney general, including a
3 petition to the superior court for a trial de novo, and costs and attorneys' fees to successful
4 appellants.

5 This act would take effect upon passage.

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