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ACLU OF RI POSITION: AMEND

TESTIMONY ON 26-H 7553,
RELATING TO CRIMINAL OFFENSES -- WEAPONS
April 8, 2026

This bill would establish an appeal process for gun permit denials. The ACLU agrees that fair appeal procedures for gun permit denials are important, and that the current scheme is insufficient. However, we have concerns about the process established by this proposed legislation and would suggest an alternative approach.

First, the bill would give applicants who are denied a license only 15 days to appeal the decision to R.I. Superior Court. We believe this is an unduly short time to require that a judicial appeal be filed, especially since most applicants for permits will not have had an attorney involved in the proceedings leading up to the denial.

Second, the bill would keep secret any Superior Court records of a permit denial appeal. The ACLU opposes this effort. Judicial proceedings and records are, for many strong reasons, presumptively public, and we do not believe that any privacy interests implicated by gun permit denials outweigh the public's weighty interest in transparency in court proceedings. It is one thing to recognize privacy interests in the administrative application process (although even there much could be gained in learning how local officials are applying the law), but quite another to shield in secrecy instances where the judicial process is being invoked for legal relief.

Finally, we wish to offer some comments about the broader issue of strengthening due process in the gun permit application process, something we have long supported. Although these

bills offer one approach, we have suggested addressing this issue for a number of years by subjecting gun permit denials to the protections of the Administrative Procedures Act.

In *Mosby v. Devine*, 851 A.2d 1031 (R.I. 2004), the R.I. Supreme Court's seminal opinion on "the right to bear arms," the Court held that applicants for a concealed weapons permit have only minimal due process rights to contest denials of those applications by the Attorney General. The Court rejected arguments submitted by the ACLU and others that applicants should be able to challenge denials under the state's Administrative Procedures Act, which provides detailed procedural rights to persons in "contested cases" against state agencies. Instead, the Court held that the APA did not apply and that applicants were not entitled to hearings on their applications.

The court did agree that applicants were entitled to certain minimal procedural rights, including the right to "know the evidence upon which the department based its decision and the rationale for the denial." But even then, the only recourse for aggrieved applicants is to file a discretionary petition for review with the Supreme Court, an expensive process with very little guarantee of being heard. Particularly because a constitutional right is implicated, we believe that more robust due process protections should be in place for applicants. Allowing aggrieved applicants to pursue appeals in accordance with the APA is a simple way of furthering that goal, and one that the ACLU of RI supports.

We appreciate the Committee's consideration of our views.

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