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ACLU OF RI POSITION: AMEND

TESTIMONY ON 26-S 2163, 26-S 2164, 26-S 2277,
RELATING TO CRIMINAL OFFENSES -- WEAPONS
April 14, 2026

All of these bills establish a similar appeal process for gun permit denials.[1] The ACLU agrees that fair appeal procedures for gun permit denials are important, and that the current scheme is insufficient. However, we have a number of concerns about the process established by this proposed legislation and would urge an alternative approach.

First, the bills 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, particularly here since most applicants for permits will not have had an attorney involved in the proceedings leading up to the denial.

Second, the bills would keep secret both any Superior Court records of a permit denial appeal and the hearing on the 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

[1] Our testimony on bills S-2164 and S-2277 relates solely to the sections dealing with these procedures. The ACLU of RI has no position on the numerous other provisions in both of those bills.

for legal relief. A secret judicial process raises fundamental First Amendment concerns and could not, we believe, withstand constitutional scrutiny.

Finally, we wish to offer 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.