Sec. 6-72. - Permits: concealed carry weapons.

(a) **Preamble:** G.L. § 11-47-11 establishes the standards for local municipalities to issue concealed carry weapons (CCW) permits; and as qualified applicants are law-abiding citizens trained and certified in the use of firearms they must be treated with dignity and respect as they engage in the legal right to seek said permit; while the board of public safety has the power to regulate the issuance of CCW permits for the City of Warwick, it is critical to ensure procedures and standards are not imposed in an overly broad, or arbitrary manner. Warwick residents and business owners who meet the criteria set forth by the State of RI must be ensured a timely, fair, predictable and consistent process to apply for a CCW permit through our municipal licensing authority; in an effort to promote transparency in government, avoid any misunderstandings, and protect applicants' right to due process, applicants who are denied a CCW permit must be notified of the reason(s) for disapproval in a timely, written manner; and the Warwick City Council is adamant that CCW permits processed by the board of public safety be issued in strict compliance with G.L. § 11-47-11.

(b) **The Warwick Board of Public Safety shall adhere to the following procedures in considering the application and issuance of CCW permits:**

1. The Warwick Board of Public Safety (a.k.a. "the board"), as the licensing authority for the City of Warwick is charged with issuing concealed carry weapons (CCW) permits. Individuals must be 21 years of age or older to apply for a CCW permit and meet the following criteria:
   
a. Have a bona fide residence or place of business within the City of Warwick verified by either the Warwick Board of Canvassers, Warwick Department of Taxation or the Warwick Chief of Police, or
   
b. Have a bona fide residence within the United States and a license or permit to carry a pistol or revolver concealed upon his or her person issued by the authorities of any other state or subdivision of the United States.
   
c. The board will consider business, employment and personal factors when reviewing "good reasons" and "proper reasons" to determine if a CCW permit is to be issued.

2. Per G.L. § 11-47-11, the board shall issue a permit to an applicant to carry a pistol or revolver concealed upon his/her person everywhere within this state for four years from date of issue. This permit shall not contain any restrictions, however state and federal law shall still apply. The permit shall be issued to the applicant if:
   
a. It appears that the applicant has good reason to fear an injury to his or her person or property;
   
b. The applicant has any other proper reason for carrying a pistol or revolver;
   
c. He or she is a suitable person to be so licensed;
   
d. The applicant must demonstrate competence, familiarity and proficiency with a handgun by completing a certified NRA firearms safety course or its equivalent of at least four hours, which includes classroom and range time.
      
      (1) The firearms safety course must be completed within three years prior to the initial permit. CCW permit renewals will only require recertification on the range, as indicated by the CCW permit application.
      
      (2) A list of certified firearms safety courses is included in the CCW permit application.

3. An applicant is not required to present a "purpose" or "need" beyond what is called for in G.L. § 11-47-11. For the purpose of applications to the board under G.L. § 11-47-11 "Self-defense" based upon previous threats/threatening conduct within the prior six months documented by a police report or written complaint is a "good" or "proper reason. No line of questioning by the board during the interview process will call for speculation as to how the applicant may alter his or her actions to negate the request/need for a CCW permit. The following may be considered when the board determines a "good" or "proper reason.
a. Conditions of employment or business necessity, whether required or preferred, are considered "proper reason" for issuing a CCW permit. The nature of an applicant's work may warrant a "good reason" for a CCW permit to be approved. Examples include but are not limited to: amount of money carried, lateness of the hour, past instances of crime, the surrounding neighborhood and other dangerous circumstances.

Requesting a reciprocal CCW permit by the City of Warwick when a CCW permit has been issued by the Rhode Island Attorney General is a "proper reason." Possession of a current federal firearms license is a factor in consideration of the application for the CCW permit.

c. Suitability of the applicant may also be a consideration when issuing a permit. Decisions must be based on evidence provided by the application process and not merely conjecture. The board must articulate a specific and justifiable reason to find someone unsuitable.

4. The board will review the completed application along with three letters of reference and a background criminal investigation (BCI) within 60 calendar days of receipt. Letters of reference shall only be required for new, not renewal, permit applications. Applicants are required to appear before the board for a personal interview. A hearing with written or recorded minutes must be held for the applicant. The specific reason(s) for denying a CCW permit must be provided in writing by registered mail within ten business days of conducting the interview or the permit shall be automatically issued.

a. Applicants may request reconsideration in the case of a CCW permit denial by the board. Furthermore, said applicants have the right to judicial review under G.L. § 42-35-15, RI Administrative Procedures.

5. Legitimate reasons for an applicant to be deemed unsuitable to be licensed include:

a. Be ineligible to possess a firearm by virtue of having been convicted of a felony.

b. Have been found guilty of, or entered a plea of guilty or nolo contendere to a misdemeanor under Rhode Island General Laws or similar laws of any other state relating to a controlled dangerous substance within a five-year period immediately preceding the date on which the application is submitted.

c. Found guilty of, or entered a plea of guilty or nolo contendere to operating a vehicle while intoxicated within the five-year period immediately preceding the date on which the application is submitted, or at any time after the application has been submitted.

d. Entered a plea of guilty or nolo contendere to or been found guilty of a crime of violence, as defined by G.L. §§ 11-47-2(2), 11-47-5(a), including domestic abuse, at the misdemeanor level, unless five years have elapsed since completion of sentence or any other conditions set by the court have been fulfilled, or unless the conviction was set aside and the prosecution dismissed, prior to the date on which the application is submitted.

(1) Prohibition also applies to any person sentenced to community confinement or electronic surveillance in accordance with G.L. § 11-47-5(c).

e. Been convicted of, have entered a plea of guilty or nolo contendere to, or be charged under indictment or a bill of information for any crime of violence or any crime punishable by imprisonment for a term of one year or greater.

f. Is a fugitive from justice.

g. Released from active or reserve duty from the Armed Forces of the United States with a discharge characterized as "bad conduct discharge", or a "dishonorable discharge". In the case of Commissioned Officers and Warrant Officers of the United States Armed Forces, the punishment of "dismissal" rendered subject to a verdict of "guilty" at a trial by military court-martial is deemed to be disqualifying under this paragraph. For the purposes of this paragraph, the United States Coast Guard is considered an Armed Force.

i. Be ineligible to possess or receive a firearm under 18 U.S.C. 922(g).
j. Had a permit revoked by the board within four years prior to the most recent application.

k. Been denied a pistol permit in a jurisdiction other than the City of Warwick based on suitability grounds within four years prior to the most recent application.

l. Adjudged mentally incompetent at the time of application or for five years prior to application as defined in G.L. § 40.1-5.3-3 or a comparable procedure located in another state following a hearing at which the applicant/defendant was represented by counsel or a representative.

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

   a. While completing their duties and responsibilities in exercising their authority to issue or deny CCW permits in compliance with federal, state and local law, the board of public safety is acting under sovereign immunity.

7. Warwick Ordinance § 40-1(19) disorderly conduct is the prevailing law for those individuals issued a CCW permit unless circumstances necessitates the gun owner to no longer keep his or her weapon concealed. Brandishing, improper exhibition or unlawful display is not permissible. Unintended viewing of the weapon as a nondeliberate act is not actionable.