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May 16, 2025

The Honorable Robert E. Craven, Sr., Chairman
House Committee on Judiciary
State House, House Lounge
Providence, RI 02903

Re: HB 5936: CCW Permit Appeals

Dear Chairman Craven and Members of the House Judiciary Committee,

I write today to express concerns regarding HB 5936, sponsored by Representative Noret, which would significantly amend the process for appealing denials of CCW permits. While I am open to proposals for enacting a more robust process for judicial review of CCW denials, the bill as currently drafted presents several significant concerns.

First, the bill permits an aggrieved individual to initially submit a request for reconsideration “to the licensing authority or department of attorney general.” This provision would seemingly allow an applicant denied by a municipal licensing authority to seek review by my Office. This change to the current law would impose a significant new burden on my Office, in addition to the burden on state and local law enforcement.

Second, as drafted, this legislation also allows an aggrieved individual to petition the Superior Court for a “trial de novo.” This would eradicate the deference and discretion currently afforded to my Office, as well as local licensing authorities, with regard to its CCW licensing decisions. This would depart from the Rhode Island Supreme Court’s standard for reviewing CCW denials as set forth in *Mosby v. Devine*, 851 A.2d 1031, 1050-51 (R.I. 2004), wherein the Court recognized the expertise of licensing authorities and held that any appeals must be made directly to the Supreme Court via a certiorari petition in which the Court’s “authority to review the decision is limited” to an inspection of the record “to determine whether the [licensing authority’s] findings are supported by any legally competent evidence.” The legislation would likewise depart from the judicial review standard applied under the APA to appeals of other agency decisions, pursuant to which the Court “merely reviews the record in order to determine whether there is legally competent evidence to support the administrative decision” and “may not substitute his or her judgment for that of the administrative agency.” *Bunch v. Bd. of Review, Rhode Island Dep’t of Employment & Training*, 690 A.2d 335, 337 (R.I. 1997).

Third, I would be remiss to not raise the concern that this bill provides that “the request to reconsider and the appeal to the superior court, shall not be deemed public.” As you know, my office promotes transparency, especially when it is of public interest. This proposal would hinder transparency and may also conflict with First Amendment protections regarding the generally

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public nature of judicial proceedings. It may similarly pose separation of powers questions to the extent it seeks to impose requirements for judicial proceedings.

Fourth, the legislation imposes guidelines and timeframes for scheduling an “informal meeting” to review a denial and then issue a decision, which will cause my office to incur additional burdens and time pressure. The requirement for an “informal meeting” may also be deemed vague.

Finally, this legislation would impose a litigation burden on my Office, as we would be required to conduct a Superior Court trial de novo of every appealed license denial, therefore, significantly increasing the number of trials litigated by the Office each year and requiring additional resources.

In addition to the burden on our office to litigate, the bill permits the Superior Court to award attorneys’ fees and costs to a prevailing applicant in certain circumstances. This risks financial liability for the State and municipalities, and may chill CCW decision-making by various licensing authorities.

As always, my Office is willing to work with the sponsor and other interested parties regarding these concerns. I appreciate the Committee’s consideration and am available for further questions.

Sincerely,



Peter F. Neronha
Attorney General