



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

## **ACLU OF RI POSITION: NEUTRAL**

### **TESTIMONY ON 26-H 8368, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- TOWN OF HOPKINTON MUNICIPAL COURT April 7, 2026**

The ACLU of Rhode Island has no formal position on this bill, which would give the Hopkinton Town Council the ability to authorize its municipal court to hear appeals from decisions of the Hopkinton Police chief related to the return of seized firearms. It is unclear to us if the bill is prompted by a concern that current state-established procedures for challenging confiscated firearms are insufficient. If so, we only wish to point out that, in the long term, this legislation might put Hopkinton residents at a disadvantage in such appeals.

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. Since then, bills have introduced in the General Assembly to revise those procedures. The ACLU has also weighed in, arguing that as a matter of due process, the current scheme is insufficient, and supporting legislation to strengthen the appeal procedures available to individuals. In particular, we have suggested that gun permit denials be subject to the protections of the Administrative Procedures Act. We would not recommend the procedure established by this bill, which, among other things, allows an appeal from the municipal court only by way of a writ of certiorari to the state Supreme Court.

We submit this testimony only to note that if the state were to pass a law that does in fact strengthen the existing appeal system, residents of Hopkinton might not be able to take advantage of it as this bill would establish these designated local procedures as the "exclusive right of appeal." While it will be up to Hopkinton officials whether to take that step, we did wish to point out that the appeal procedures laid out in the legislation do not appear to provide much greater protection than that laid out in the *Mosby* decision and may have the opposite effect of what is intended by the legislation.