

RESOLUTION OF THE TOWN OF HOPKINTON
IN SUPPORT OF AN ACT OF THE
GENERAL ASSEMBLY OF THE STATE OF RHODE ISLAND
AUTHORIZING THE TOWN OF HOPKINTON TO CONFER JURISDICTION
ON THE HOPKINTON MUNICIPAL COURT TO HEAR CERTAIN APPEALS

WHEREAS, the creation of the Hopkinton Municipal Court was first authorized in 2007 by G.L. 1956 § 45-2-56; and

WHEREAS, the Hopkinton Municipal Court was established by the Town of Hopkinton by Sec. 22-1 of the Hopkinton Code of Ordinances; and

WHEREAS, the Hopkinton Municipal Court commenced on January 1, 2008; and

WHEREAS, the Town of Hopkinton has been involved in litigation, both actual and threatened, over the return of firearms to certain of its residents after those firearms were seized by the Hopkinton Police Department in connection with lawful arrests; and

WHEREAS, at present, the decision to return seized firearms and related property is in the sole discretion of the Chief of the Hopkinton Police Department; and

WHEREAS, there is presently no orderly process by which a decision of the Chief of the Hopkinton Police Department can be challenged by an aggrieved party; and

WHEREAS, the Town of Hopkinton wishes to avoid potentially costly and time-consuming litigation over the return of firearms, as the Town could be liable for inadvertently violating the property or other rights of residents; and

WHEREAS, no statute confers jurisdiction for appeals of this nature on any court of general jurisdiction in the State of Rhode Island; and

WHEREAS, the Hopkinton Municipal Court is a judicial body with the capability of evaluating the merits of appeals from decisions of the Chief of the Hopkinton Police Department; and

WHEREAS, the Hopkinton Municipal Court's jurisdiction is sharply limited by § 45-5-56, which does not presently authorize such appellate jurisdiction; and

WHEREAS, the Town of Hopkinton seeks to confer jurisdiction upon the Hopkinton Municipal Court to hear such appeals; and

WHEREAS, the Town of Hopkinton's objective is not to expand or restrict any person's access to firearms, but to ensure that the many state and federal firearms laws are being correctly and fairly applied and to provide an orderly mechanism for judicial review.

NOW, THEREFORE, BE IT RESOLVED, that the Hopkinton Town Council supports an Act of the General Assembly amending § 45-2-56 to authorize the Town of Hopkinton to confer such appellate jurisdiction upon the Hopkinton Municipal Court by ordinance, and that the amendment add subsection (d) to that statute in substantially the following form:

(d) **Appellate jurisdiction.**

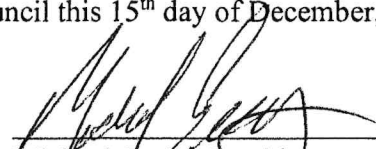
- (1) The town council of the town of Hopkinton may, by ordinance, confer jurisdiction upon the municipal court to hear and determine appeals from decisions or orders of the Chief of the Hopkinton Police Department related to the return of seized firearms, subject to the requirements of this subsection.
- (2) Any person who has exhausted all administrative remedies available to him or her, and who is aggrieved by a final decision or order of the Chief of the Hopkinton Police Department in connection with the return of seized firearms or related items is entitled to judicial review under this subsection.
- (3) Proceedings for review are instituted by filing a complaint in the municipal court within thirty (30) days after mailing notice of the final decision or order. Copies of the complaint shall be served upon the Hopkinton Police Department and all other parties of record in the manner prescribed by applicable procedural rules within ten (10) days after it is filed in municipal court; provided, however, that the time for service may be extended for good cause by order of the municipal court.
- (4) The filing of the complaint does not itself stay enforcement of the decision or order. The Chief of the Hopkinton Police Department may grant, or the reviewing court may order, a stay upon the appropriate terms.
- (5) If, before the date set for the hearing, application is made to the municipal court for leave to present additional evidence, and it is shown to the satisfaction of the municipal court that the additional evidence is material and that there were good reasons for failure to present it as part of the Hopkinton Police Department's review of the matter, the municipal court may order that the additional evidence be taken by the Chief of the Hopkinton Police Department upon conditions determined by the municipal court. The Chief of the Hopkinton Police Department may modify their findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the municipal court.

- (6) The review shall be conducted by the municipal court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the town official or agency, not shown in the record, proof thereon may be taken in the municipal court. The municipal court, upon request, shall hear oral argument and receive written briefs.
- (7) The municipal court shall not substitute its judgment for that of the Chief of the Hopkinton Police Department as to the weight of the evidence on questions of fact. The municipal court may affirm the decision of the Chief of the Hopkinton Police Department or remand the case for further proceedings, or it may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:
 - (i) in violation of constitutional or statutory provisions;
 - (ii) in excess of the statutory authority of the town official or agency;
 - (iii) made upon unlawful procedure;
 - (iv) affected by other error of law;
 - (v) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
 - (vi) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.
- (8) Any party in interest, if aggrieved by a final judgment of the municipal court rendered in proceedings brought under this subsection, may, within twenty (20) days from the date of entry of the judgment, petition the supreme court of the state of Rhode Island for a writ of certiorari to review any questions of law involved. The petition for a writ of certiorari shall set forth the errors claimed. Upon the filing of such a petition with the clerk of the supreme court, the supreme court may, if it sees fit, issue its writ of certiorari to the municipal court to certify to the supreme court the record of the administrative proceeding under review, or so much thereof as was submitted to the municipal court by the parties, together with any additional record of the proceedings in the municipal court.

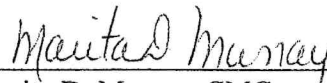
- (9) The provisions of this subsection supersede any common law or discretionary appeal procedures and replace them with the appeal procedures stated herein as the exclusive right of appeal.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to Hopkinton's members of the RI General Assembly.

Passed as a Resolution of the Hopkinton Town Council this 15th day of December, 2025.



Michael Geary, President
Hopkinton Town Council

ATTEST: 

Marita D. Murray, CMC
Town Clerk

