

2024 -- H 7318

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LC004475
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE GENERALLY --
WRITS, SUMMONS AND PROCESS

Introduced By: Representatives Vella-Wilkinson, Noret, Morales, Diaz, Casimiro, and
Batista

Date Introduced: January 26, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-5-10.1 of the General Laws in Chapter 9-5 entitled "Writs,
2 Summons and Process" is hereby amended to read as follows:

3 **9-5-10.1. Certification of constables.**

4 (a)(1) A person at least twenty-one (21) years of age who complies with the statute and the
5 requirements set forth in any regulations promulgated by the department of business regulation may
6 file an application with the department requesting that the applicant be certified as a constable.
7 Once issued by the department, the certification shall be effective for a period of two (2) years or
8 until the approval is withdrawn by the department. A certified constable shall be entitled to serve
9 or execute writs and process in such capacity for any court of the state, anywhere in the state,
10 subject to any terms and limitations as set forth by the court.

11 (2) A person to be certified as a constable shall provide documentation and evidence
12 satisfactory to the department of business regulations that the person possesses the specified
13 minimum qualifications to include:

14 (i) Sixty (60) hours of earned credit from an accredited college, university, or institution;

15 or

16 (ii) Four (4) years of honorable military service; or

17 (iii) Twenty (20) years of honorable service with a local, state, or federal law enforcement
18 agency; and

1 (iv) United State citizenship; and
2 (v) Possession of a valid motor vehicle operator's license; and
3 (vi) Successful completion of unlawful drug use screening; and
4 (vii) Successful completion of psychological testing approved by the department of
5 business regulation; ~~or~~

6 [\(viii\) Any previously authorized federal process server.](#)

7 (b) Certification process.

8 (1) Application.

9 (i) Any person seeking certification pursuant to this section shall complete an application
10 and submit it to the department of business regulation in the form designated by the department for
11 such applications.

12 (ii) The application shall include information determined by the department to be relevant
13 to licensure and shall include a national criminal background check.

14 (2) Referral to certified constables' board. Once the applicant has provided a completed
15 application, the department shall refer the applicant to the certified constables' board by providing
16 a copy of the application to the board.

17 (3) Training.

18 (i) Following review of the application, the board shall determine whether the applicant
19 should be recommended for training to be conducted by a volunteer training constable. If the board
20 determines that training is appropriate, the applicant shall be assigned to a training constable who
21 shall be a constable in good standing for a minimum of ten (10) years and who is approved by the
22 department.

23 (ii) Training shall consist of a minimum of ninety (90) hours to be completed no sooner
24 than ninety (90) days from the date of the referral by the board. The department may waive the
25 training requirement of this section for an applicant who has graduated from a certified police or
26 law enforcement academy and who has a minimum of twenty (20) years of honorable service as a
27 police or law enforcement officer [or any authorized federal process server.](#)

28 (iii) Within thirty (30) days from the conclusion of training, a written report shall be
29 submitted by the training constable to the board with a copy to the department that reflects the dates
30 and times of training and comments on the aptitude of the trainee.

31 (iv) If the board concludes that training is not appropriate or if the report of the training
32 constable concludes that the applicant does not have the aptitude to perform the duties of a
33 constable, the board shall so inform the department which shall deny the application on that basis.

34 (4) Oral and written tests.

1 (i) Upon the successful completion of the training period and recommendation from the
2 training constable, within ninety (90) days, the applicant shall complete an oral examination on the
3 legal and practical aspects of certified constables' duties that shall be created and administered by
4 the board.

5 (ii) Upon the successful completion of the oral examination, within sixty (60) days the
6 applicant must complete a written test created by the board and approved by the department that
7 measures the applicant's knowledge of state law and court procedure.

8 (iii) If the board concludes that the applicant has not successfully passed either the oral or
9 written test, the board shall so inform the department which shall deny the application on that basis.

10 (5) Final review. The department shall review the application, training record, test scores,
11 and such other information or documentation as required and shall determine whether the applicant
12 shall be approved for certification and the person authorized to serve process in the state.

13 (c) Any person certified as a constable on the effective date of this act shall continue to be
14 certified without complying with the certification requirements prescribed by this act.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would add those persons with experience as a federal process server as qualifying
- 2 for certification as a constable.
- 3 This act would take effect upon passage.

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