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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF INSPECTOR
GENERAL

Introduced By: Representatives Lima, J. Brien, and Costantino

Date Introduced: February 28, 2025

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 9.4

4 OFFICE OF INSPECTOR GENERAL

5 **42-9.4-1. Purpose.**

6 There is created the office of the inspector general that shall be an independent
7 administrative agency, for which purpose shall be to investigate the management and operation of
8 agencies. The office shall be assigned to the office of the governor for administrative purposes only
9 and not under the governor's authority and be an independent agency. The jurisdiction,
10 authorization, powers, and duties granted to the office in this chapter shall be in addition to, and
11 not in contravention of, any and all jurisdiction, authorization, powers, and duties of the attorney
12 general or any other state or local law enforcement agency.

13 **42-9.4-2. Definitions.**

14 As used in this chapter, the term:

15 (1) "Abuse" means the intentional, wrongful, or improper use or destruction of state
16 resources.

17 (2) "Agency" shall have the same meaning as provided in § 42-35-1 ("administrative
18 procedures").

1 (3) "Corruption" means an intentional act of fraud, waste, or abuse or the use of public
2 office for personal or pecuniary gain for oneself or another.

3 (4) "Employee" means any person in the executive branch of state government who is
4 employed by an agency, including agency heads, directors, and commissioners.

5 (5) "Fraud" means an act of intentional or reckless deceit to mislead or otherwise deceive.

6 (6) "Inspector general" means the inspector general created by this chapter or their
7 designee.

8 (7) "Office" means the office of the inspector general created by this chapter.

9 (8) "Officer" means any person appointed to any agency, board, authority, bureau,
10 commission, or council in the executive branch of state government.

11 (9) "Official" means any person elected to office within the executive branch of
12 government.

13 (10) "Peace officer" means, for purpose of this chapter:

14 (i) An agent, operative, or officer of this state, a subdivision or municipality thereof, or a
15 railroad who, as an employee for hire or as a volunteer, is vested either expressly by law or by
16 virtue of public employment or service with authority to enforce the criminal or traffic laws through
17 the power of arrest and whose duties include the preservation of public order, the protection of life
18 and property, and the prevention, detection, or investigation of crime;

19 (ii) An enforcement officer who is employed by the department of transportation in its
20 office of permits and enforcement and any person employed by the department of attorney general
21 or the department of children, youth and families (DCYF) who is designated to investigate and
22 apprehend delinquent children and any child with a pending juvenile court case alleging the child
23 to be a child in need of services;

24 (iii) Personnel who are authorized to exercise the power of arrest, who are employed or
25 appointed by the department of attorney general or DCYF, and whose full-time duties include the
26 preservation of public order, the protection of life and property, the detection of crime, the
27 supervision of delinquent children in the department's institutions, facilities, or programs, or the
28 supervision of delinquent children under intensive supervision in the community;

29 (iv) Personnel who are authorized to exercise the power of arrest and who are employed or
30 appointed by the department of corrections; and

31 (v) An administrative investigator who is an agent, operative, investigator, or officer of this
32 state whose duties include the prevention, detection, and investigation of violations of law and the
33 enforcement of administrative, regulatory, licensing, or certification requirements of their
34 respective employing agency.

1 (vi) Law enforcement support personnel are not peace officers within the meaning of this
2 chapter, but they may be certified upon voluntarily complying with the certification provisions of
3 this chapter.

4 (11) "Waste" means a reckless or grossly negligent act that causes state funds to be spent
5 in a manner that was not authorized or represents significant inefficiency and needless expense.

6 **42-9.4-3. Inspector general independent commission.**

7 There shall be a fourteen (14) member independent commission comprised of:

8 (1) The superintendent of the Rhode Island state police;

9 (2) Two (2) members appointed by the superintendent of the state police, one from the
10 forensic financial crimes unit and one from the cybersecurity unit;

11 (3) The auditor general or designee;

12 (4) The head of Common Cause or designee;

13 (5) Two (2) members of the Rhode Island Police Chiefs' Association to be appointed by
14 the head of the police chiefs' association;

15 (6) One member to be appointed by the governor;

16 (7) One member to be appointed by the attorney general;

17 (8) One member to be appointed by the general treasurer;

18 (9) The chair of the institute of cybersecurity;

19 (10) Two (2) members from the institute for cybersecurity and emerging technologies at
20 Rhode Island college to be appointed by chair of the institute; and

21 (11) Congressman James Langevin.

22 **42-9.4-4. Terms -- Powers -- Duties.**

23 (a) The inspector general's appointment shall be for a term of eight (8) years.

24 (b) The commission shall be charged with creating a selection process for the appointment
25 of the inspector general by interviewing potential candidates, selecting three (3) candidates for the
26 position of inspector general and sending them to the governor who will appoint one as the inspector
27 general and send that selection to the senate for confirmation.

28 **42-9.4-5. Powers of inspector general.**

29 (a) The inspector general shall have jurisdiction over any official, officer, employee,
30 department, division, bureau, board, commission, or agency in the executive branch of state
31 government. The inspector general shall establish the organization structure appropriate to carrying
32 out the responsibilities and functions of the office and shall have the power to employ, promote,
33 and remove such assistants, employees, and personnel as deemed necessary for the efficient and
34 effective administration of the office.

1 (b) The inspector general shall have the following duties:

2 (1) Receive and investigate complaints from any source alleging fraud, waste, abuse, or
3 corruption that has been committed or is being committed against an agency of the state;

4 (2) Investigate acts that may constitute violations committed by officers, officials, or
5 employees of agencies;

6 (3) Investigate retaliation claims regarding officers, officials, or employees of agencies
7 submitted;

8 (4) Report suspected acts of fraud, waste, abuse, or corruption against or within an agency
9 to the governor and, as appropriate, other state or federal entities with jurisdiction over the matter;

10 (5) Upon conclusion of an investigation that results in a finding of fraud, waste, abuse, or
11 corruption, issue a report or letter to the office of the governor as requested and release to the public
12 any such report unless the public release of such report would compromise a pending criminal
13 investigation known to the inspector general or otherwise be exempt from disclosure;

14 (6) Instruct and educate agencies on the detection and prevention of fraud, waste, abuse,
15 and corruption; conduct evaluations and audits of relevant agency policies and procedures
16 implicated by any investigation; and create a remedial action plan to prevent recurrences of fraud,
17 waste, abuse, and corruption;

18 (7) Close an investigation when the inspector general concludes there is insufficient
19 evidence that a violation has occurred. Closure by the inspector general shall not bar the reopening
20 the investigation if circumstances warrant;

21 (8) Act as a liaison with outside agencies and agencies of the government of the United
22 States to promote accountability, integrity, and efficiency in state government;

23 (9) Act as a liaison and monitor the activities of internal affairs units, inspectors general,
24 and offices of professional standards within agencies;

25 (10) Conduct special investigations and management reviews of agencies at the request of
26 the governor or state police or attorney general; and

27 (11) Other duties assigned by the governor that are consistent with this chapter and that
28 involve or concern the management, operation, or personnel of agencies.

29 (c)(1) Agencies shall cooperate with any investigation conducted pursuant to this chapter.
30 In any agency where fraud, waste, abuse, or corruption is detected, the agency shall take remedial
31 steps to prevent recurrences of similar conduct and, the inspector general shall have access to all
32 records available to the governor. The inspector general shall be authorized to enter upon the
33 premises of any agency at any time, without prior announcement, if necessary, for the successful
34 completion of an investigation. In the course of an investigation, the inspector general shall be

1 authorized to question any official, officer, or employee serving in the agency and may inspect and
2 copy any books, records, or papers in the possession of the agency, taking care to preserve the
3 confidentiality of information contained in responses to questions or the books, records, or papers
4 that are made confidential by law.

5 (2) The knowing failure of any official, officer, or employee to comply with an
6 investigation made pursuant to this chapter or the knowing provision of false information during
7 an investigation may be cause for discipline, up to and including termination as long as such
8 official, officer, or employee is subject to termination or other discipline by such agency.

9 (3) No agency, officer, or official shall take action against an official, officer, or employee
10 for disclosing or threatening to disclose the existence of any activity constituting waste, fraud,
11 abuse, or corruption to the inspector general, unless the disclosure or threatened disclosure was
12 made with knowledge that the disclosure was false or was made with willful disregard for its truth
13 or falsity. Any report disclosed by the office may differ from the complete written report in that the
14 inspector general shall have the discretion to redact or otherwise protect the names of complainants
15 and witnesses, or other facts that, if not redacted, might compromise the identity of a complainant
16 or witness.

17 (4)(i) In performing any investigation authorized by this chapter, the inspector general shall
18 be authorized to administer oaths, examine witnesses under oath, and issue any subpoenas
19 necessary to compel the attendance of witnesses and the production of all books, records, papers,
20 and tangible items that constitute or contain evidence which the inspector general finds reasonably
21 relevant or material to the investigation.

22 (ii) Service of any subpoena issued under this chapter shall be made by any designated
23 person. Service upon a natural person may be made by personal delivery of the subpoena to that
24 person. Subpoenas may also be served upon a natural person by registered or certified mail or
25 statutory overnight delivery, and the return receipt shall constitute prima facie proof of service.
26 Service upon a natural person may also be made by serving as the person's counsel of record.
27 Service may be made upon a domestic or foreign corporation by delivering the subpoena to an
28 officer, to a managing or general agent, or to any other agent authorized by appointment or by law
29 to receive service of process. A subpoena requiring the attendance of a witness may be served at
30 any place within this state.

31 (iii) In the case of a refusal to obey any issued subpoena, the inspector general or designee
32 may request that the attorney general petition the superior court within any jurisdiction where the
33 investigation is carried on, where the subpoenaed person resides, or where the subpoenaed person
34 carries on business or may be found to compel compliance with the subpoena. The attorney general

1 shall petition the court upon such request by the inspector general or designee.

2 (iv) Upon the filing of the petition, the court shall enter an order directing the person to
3 appear before the court at a specified time and place and then and there show cause why they had
4 not attended, answered questions under penalty of perjury, or produced the requested items as
5 required. If it appears to the court that the subpoena was regularly issued by the inspector general,
6 the court shall enter an order that the person named in the subpoena appear at the time and place
7 fixed in the order and answer questions under penalty of perjury or produce the requested items as
8 required. Upon failure to obey the order, the person shall be subject to contempt of court. All
9 process in any such case may be served at any place within this state.

10 (v) Nothing in this section limits or alters a person's existing rights or protections under
11 state or federal law.

12 (d) For the purposes of this chapter, the inspector general shall have the authority to employ
13 police officers. Persons employed full time or part time for the purpose of conducting potential
14 criminal investigations under this chapter shall be certified police officers and shall have all the
15 powers of a certified police officer of this state including, but not limited to, the power to obtain,
16 serve, and execute search warrants. Such certified police officers shall be subject to the
17 requirements of all police standards and training laws and are specifically required to complete the
18 training required for police officers by that chapter. Such certified police officers shall be
19 authorized, with the written approval of the inspector general to carry firearms of a standard police
20 issue when engaged in detecting, investigating, or preventing crimes under this chapter.

21 **42-9.4-6. Conflict of laws.**

22 All general or public laws in conflict with this chapter are secondary to this chapter and if
23 any conflict should occur the provisions of this chapter shall control.

24 **42-9.4-7. Rules and regulations.**

25 The office of the inspector general shall, pursuant to the provisions of chapter 35 of title
26 42, ("administrative procedures"), promulgate rules and regulations, which shall govern its
27 proceedings.

28 **42-9.4-8. Confidentiality of records.**

29 (a) All records of the office of inspector general shall be confidential and shall not be public
30 records, unless it is necessary for the inspector general to make such records public in the
31 performance of their duties or in response to a court order.

32 (b) Violation of the provisions of the confidentiality of proceedings by the inspector general
33 or any member of the staff, or by any member of the inspector general's office, shall be punished
34 by imprisonment for not more than six (6) months or by a fine of not more than one thousand dollars

1 [\(\\$1,000\).](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- OFFICE OF INSPECTOR
GENERAL

1 This act would establish an office of inspector general as an independent administrative
2 agency, charged with preventing and detecting fraud, waste, abuse, and mismanagement in the
3 expenditure of public funds.

4 This act would take effect upon passage.

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