

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

—————  
A N A C T

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

Introduced By: Senators Raptakis, Thompson, Rogers, Paolino, de la Cruz, and E Morgan

Date Introduced: January 31, 2025

Referred To: Senate 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 The office of inspector general shall be an independent administrative agency, charged  
7 with the purpose of preventing and detecting fraud, waste, abuse and mismanagement in the  
8 expenditure of public funds, whether federal, state, or local, and relating to any and all state  
9 programs and operations, as well as the procurement of any supplies, services, or construction, by  
10 agencies, bureaus, divisions, sections, departments, offices, commissions, institutions and activities  
11 of the State of Rhode Island, including those districts, authorities, or political subdivisions created  
12 by the general assembly, the governor, and any court, including any city and town within the State  
13 of Rhode Island.

14 **42-9.4-2. Definitions.**

15 As used in this chapter, unless the context requires otherwise, the following words shall  
16 have the following meanings:

17 (1) "Construction" means the process of building, altering, repairing, improving, or  
18 demolishing any public structure or building, or other improvements of any kind to any public

1 property.

2 (2) "Contract" means all types of agreements, including grants and orders, for the purchase  
3 or disposal of supplies, services, construction, or any other item. It includes: awards; contracts of a  
4 fixed-price, cost, cost-plus-a-fixed-fee, or incentive type; contracts providing for the issuance of  
5 job or task orders; leases; letter contracts; purchase orders; and construction management contracts.  
6 It also includes supplemental agreements with respect to any of the foregoing.

7 (3) "Contractor" means any person, corporation, partnership, business, union, committee,  
8 or other organization entity or group of individuals performing any tasks, or duties defined under a  
9 written or oral contract with and for the State of Rhode Island.

10 (4) "Procurement" means the purchasing, buying, renting, leasing, or otherwise obtaining  
11 of any supplies, services, or construction. It also includes all functions that pertain to the obtaining  
12 of any supply, service, or construction item, including a description of requirements, selection and  
13 solicitation of sources, preparation, and award of contract, and all phases of contract administration.

14 (5) "Public funds" means state, federal and local funds, either appropriated, non-  
15 appropriated or given under right of grant.

16 (6) "Services" means the rendering, by a contractor, of its time and effort rather than the  
17 furnishing of a specific end product, other than reports which are merely incidental to the required  
18 performance of services.

19 (7) "Supplies" means all property, including, but not limited to, leases of real property,  
20 printing, and insurance, except land or permanent interest in land.

21 **42-9.4-3. Establishment of office -- Appointment and removal of inspector general.**

22 (a) There is hereby established an office of inspector general, hereinafter called (the  
23 "office"). There shall be in the office an inspector general, who shall be the administrative head of  
24 the office and who shall be appointed by a majority vote of the governor, the attorney general and  
25 the general treasurer for a five (5) year term to begin July 1 and end June 30, five (5) years later.  
26 The appointee shall serve one term only. The person so appointed shall be selected without regard  
27 to political affiliation and with a demonstrated ability in accounting, auditing, financial analysis,  
28 law, management analysis, public administration, investigation or criminal justice administration.

29 (b) The selection process of a qualified inspector general shall include at least one public  
30 forum. If an inspector general is not selected within one month of a new inspector general term, the  
31 governor shall appoint an inspector general. The inspector general shall have at least five (5) years  
32 of experience in accounting, criminal justice, or a closely related profession and a bachelor's degree  
33 from an accredited college or university with a major in accounting, criminal justice, or a closely  
34 related field of study.

1           (c) No inspector general shall hold, or be a candidate for, any other elective or appointed  
2 public office while an inspector general and for one year thereafter. No inspector general shall hold  
3 a position in any political party or political committee, or participate in any political campaign of  
4 any candidate for public office while an inspector general.

5           (d) In case of a vacancy in the position of inspector general, their successor shall be  
6 appointed in the manner described in subsection (a) of this section, and shall serve from their date  
7 of appointment until the fifth June 30, following their appointment. If this vacancy is not filled  
8 within one month, then the governor shall appoint an inspector general.

9           (e) The person so appointed may be removed from office for cause by a unanimous vote of  
10 the governor, the lieutenant governor and the secretary of state. Such cause may include substantial  
11 neglect of duty, gross misconduct or conviction of a crime, whether or not it is work related. The  
12 reasons for removal of the inspector general shall be stated in writing and shall include the basis  
13 for such removal. Such writing shall be a public document. The inspector general shall have ten  
14 (10) days to submit a written appeal, which shall be a public document. If no appeal is made, the  
15 inspector general shall be dismissed from office. If an appeal is made, a vote shall be taken in the  
16 senate. A two-thirds (2/3) vote of the senate shall be required to dismiss the inspector general.

17           **42-9.4-4. Employees -- Appointment and removal, salaries, qualifications.**

18           (a) The inspector general may, subject to appropriation, appoint and remove such  
19 employees as they deem necessary to perform the duties of the office, including, but not limited to,  
20 assistant inspector generals, chief and deputy counsels, clerks, paralegals, accountants, auditors,  
21 financial management analysts and investigators. The inspector general may determine their  
22 salaries and duties; provided, however, that the total amount of all such salaries shall not exceed  
23 the sum appropriated therefor by the general assembly.

24           (b) The inspector general shall file an annual personnel report not later than the first  
25 Wednesday in February with the senate and house finance committees containing the job  
26 classifications, duties and salary of each officer and employee within the office, together with  
27 personnel regulations applicable to said officers and employees. The inspector general shall file  
28 amendments to such report with the senate and house finance committees, whenever any change  
29 becomes effective.

30           (c) No officer or employee of the office of inspector general shall hold, or be a candidate  
31 for, any elective public office, while an officer or employee, or for one year thereafter, nor shall  
32 they hold a position in any political party or political committee, or participate in any political  
33 campaign of any candidate for public office while an officer or employee.

34           **42-9.4-5. Inspector general -- Salary and budget.**

1           The general assembly shall annually set the salary of the inspector general and set the total  
2 budget for the office of the inspector general.

3           **42-9.4-6. Rules and regulations.**

4           The office shall, pursuant to the provisions of chapter 35 of title 42, (administrative  
5 procedures act), promulgate rules and regulations, which shall govern its proceedings.

6           **42-9.4-7. Duties.**

7           The inspector general shall supervise, coordinate and/or conduct audits, criminal, civil and  
8 administrative investigations and inspections or oversight reviews, when necessary, relating to  
9 programs and operations listed in § 42-9.4-1. The inspector general shall review statutes and  
10 regulations relating to programs and operations listed in § 42-9.4-1 and shall determine if public  
11 bodies listed in § 42-9.4-1 are in compliance and shall make recommendations concerning the effect  
12 of such statutes or regulations on the prevention and detection of fraud, waste and abuse. The  
13 inspector general may recommend policies that will assist in the prevention or detection of fraud,  
14 waste and abuse and mismanagement. The person in charge of, or the governing body of any public  
15 body listed in § 42-9.4-1, may request the assistance of the office of inspector general with respect  
16 to implementation of any reviews, audits, and/or investigations as deemed appropriate and  
17 implement suggested policy or procedure changes. In such events, the inspector general may assign  
18 personnel to conduct, supervise, or coordinate such activity as deemed necessary and appropriate  
19 to perform their duties in a diligent and prudent manner. The inspector general may recommend  
20 policies for the conduct, supervision or coordination of relationship, between state and local  
21 governmental agencies as well as federal governmental agencies and nongovernmental entities with  
22 respect to all matters relating to the prevention and detection of fraud, waste, abuse and  
23 mismanagement in or relating to any and all programs and activities of the State of Rhode Island  
24 as listed in § 42-9.4-1.

25           **42-9.4-8. Inspection of records and papers -- Investigations -- Subpoenas.**

26           (a) The inspector general, in carrying out the duties outlined in this chapter, shall have  
27 access to all records, reports, audits, reviews, papers, books, documents, recommendations,  
28 correspondence, including information relative to the purchase of services or anticipated purchase  
29 of services from any contractor by any public body listed in § 42-9.4-1, and any other data and  
30 material that is maintained by or available to any public body, regardless of the media in which it  
31 is maintained, which is in any way related to the programs and operations with respect to the State  
32 of Rhode Island, including any local town, municipality or city.

33           (b) The inspector general may request information, cooperation and assistance from any  
34 state, or local governmental agency, as may be necessary for carrying out their duties and

1 responsibilities. Upon receipt of such request, each person in charge of, or the governing body of  
2 any public body listed in § 42-9.4-1, shall furnish to the inspector general or their authorized agent  
3 or representative such information, cooperation and assistance, including information relative to  
4 the purchase of services or anticipated purchase of services from any contractor by any public body  
5 within ten (10) business days of receipt of the inspector general's request. If the request for the  
6 information requested cannot be complied within the ten (10) business days, the senior official of  
7 the governmental agency shall notify the inspector general, before the expiration of the ten (10)  
8 business days, as to the reason that the request cannot be complied with in the time frame of this  
9 section and shall provide a specific date for expected compliance.

10 (c) The inspector general may initiate and conduct investigations, audits and compliance  
11 reviews and shall prepare detailed reports relating to findings and conclusions concerning the  
12 administration of the programs and operations of the applicable public bodies listed in § 42-9.4-1,  
13 as are in the judgment of the inspector general necessary and may conduct an examination of any  
14 public documents.

15 (d) The inspector general shall have direct and prompt access to the head of any public  
16 body listed in § 42-9.4-1, when necessary for any purpose pertaining to the performance of their  
17 duties and responsibilities under this chapter.

18 (e) The inspector general may request the production, on a voluntary basis, of testimony or  
19 documents from any individual, firm or nongovernmental entity which relate to actions or matters  
20 that pertain to state, municipal or local governmental agencies as dictated by their duties and  
21 responsibilities.

22 (f)(1) The inspector general may issue a subpoena for the production of all records, reports,  
23 audits, reviews, papers, books, documents, recommendations, correspondence and any other data  
24 and material relevant to any matter under audit or investigation, pursuant to the provisions of this  
25 chapter, no matter in which media the information is maintained.

26 (2) A subpoena may be issued only when a person, corporation or other entity under  
27 investigation or being audited refuses to voluntarily comply with a request from the inspector  
28 general.

29 (3) Such subpoena shall be served in the same manner as a subpoena for the production of  
30 documents in civil cases issued on behalf of the State of Rhode Island, and all provisions of law  
31 relative to said subpoena shall apply to a subpoena issued pursuant to this chapter. Any justice of  
32 the superior court may, upon application by the inspector general, issue an order to compel the  
33 production of records, reports, audits, reviews, papers, books, documents, recommendations,  
34 correspondence and any other data and material in the same manner and to the same extent as if the

1 matter was before said superior court. Any failure to obey such order may be punished by the  
2 superior court as a contempt of court.

3 (4) Any subpoena issued pursuant to this section, shall not be made public by the inspector  
4 general or any officer or employee of that office, nor shall any documents or records provided  
5 pursuant to this section be made public until such time as it is necessary for the inspector general  
6 as required by the performance of their official duties. The production of such documents or records  
7 pursuant to subpoena shall be governed by the same provisions with reference to secrecy, which  
8 govern the proceedings of a grand jury. Disclosure of such production, attendance, and testimony  
9 may be made to such members of the staff of the office of the inspector general as is deemed  
10 necessary in the performance of the inspector general's duties and responsibilities under this chapter  
11 and such members of the staff may be present at the production of records.

12 **42-9.4-9. Subpoena for witness testimony and for release of material evidence.**

13 (a) Whenever the inspector general has reason to believe that a person has information or  
14 evidence in their possession with respect to any matter which is within the inspector general's  
15 jurisdiction to investigate, they may issue a subpoena for the attendance and testimony, under oath  
16 of any person as designated, or the surrender of identified item(s) of evidence; provided, however,  
17 that such subpoena may be issued by the inspector general only in the performance of official duties  
18 relating to the detection of fraud, waste, abuse and mismanagement. The subpoena for testimony  
19 or specific items identified as needed in support of an investigation shall include: the name and  
20 address of the prospective witness or a list of specific items identified as needed for the  
21 investigation and the reasons for requesting a subpoena for testimony or production of items  
22 deemed necessary to support the investigation.

23 (b) The inspector general or anyone duly authorized by law shall serve such subpoena.  
24 Once the subpoena is served, the serving officer shall annotate the time and date served, the person  
25 served and the location of service.

26 (c)(1) A witness required by subpoena to attend and testify under oath and/or produce  
27 books and records or other items as demanded, shall be given not less than forty-eight (48) hour  
28 notice of the time and place for the taking of testimony or delivery of subpoenaed items, unless  
29 such notice shall unduly interfere with the conduct of the investigation.

30 (2) Such witness, at the time of service of a subpoena, shall be notified of the matter under  
31 investigation, concerning which such witness will be required to testify. A subject of an  
32 investigation is a person whose conduct is within the scope of the investigation and is suspected of  
33 committing or being party to an offense under investigation. The failure to furnish such witness  
34 with any notice or information required to be given by this section shall cause the issued subpoena

1 to be invalid.

2 (d) A person subpoenaed to testify under oath shall appear and testify under oath at the  
3 time and place designated on the subpoena. In addition, the witness shall be notified that they have  
4 a right to consult with and to have an attorney present at the time the testimony is taken and that  
5 they have a constitutional right not to furnish or produce evidence, that may tend to incriminate  
6 them.

7 (e) The terms of any such subpoena shall be reasonable and focused on specific testimony  
8 or evidence sought and shall directly relate to the matters under investigation. A subpoena issued  
9 that is broad in nature is not considered valid. No subpoena may be issued for purposes of  
10 harassment or for any illegitimate or improper purpose. All constitutional and statutory rights and  
11 privileges which exist with respect to any subpoena issued by the inspector general, including the  
12 privilege against self-incrimination, shall have the same force and effect as any and all existing  
13 laws and constitutional rights.

14 (f) A subpoenaed person may object to the subpoena served upon them, in advance of the  
15 return date of the subpoena, by a motion to quash filed in the superior court of the State of Rhode  
16 Island. The filing of a motion to quash shall stay all pending subpoenas until further order of the  
17 superior court. Any justice of the superior court may, upon application by the inspector general,  
18 issue an order to compel the attendance of the witnesses subpoenaed and the giving of testimony  
19 under oath, in furtherance of any audit or investigation under this chapter in the same manner and  
20 to the same extent as before the superior court. Failure to obey any order of the court with respect  
21 to a subpoena may be punished by the court as contempt.

22 (g) Any subpoena issued pursuant to this section, shall not be made public by the inspector  
23 general or any persons subject to their direction or by any member of the inspector general's office  
24 designated to hear testimony under this section, and the same provisions with reference to secrecy,  
25 which govern grand jury proceedings, shall govern testimony given. Whoever violates the  
26 provisions of this subsection shall be punished by imprisonment for not more than six (6) months  
27 or by a fine of not more than one thousand dollars (\$1,000). Disclosure of such testimony may be  
28 made to such members of the staff of the office of inspector general, as is deemed necessary by the  
29 inspector general, to assist in the performance of the office's duties and responsibilities and those  
30 members of the staff may be present at the taking of such testimony.

31 **42-9.4-10. Complaints -- Investigation.**

32 (a) The inspector general shall accept and may investigate or audit complaints or  
33 information from any individual concerning the possible existence of any activity constituting  
34 fraud, waste, abuse and mismanagement relating to programs and operations as listed in § 42-9.4-

1 1.

2 (b) The inspector general shall not, after receipt of a complaint or information from an  
3 employee who requests confidentiality, disclose the identity of the employee without the written  
4 consent of said employee, unless the inspector general determines such disclosure is necessary and  
5 unavoidable during the course of an investigation. In such event, the employee shall be notified  
6 immediately of such disclosure.

7 (c) Employees are protected under the "Rhode Island whistleblowers' protection act,"  
8 chapter 50 of title 28.

9 **42-9.4-11. Reports to the attorney general or United States attorney.**

10 (a) In carrying out their duties and responsibilities, the inspector general shall report to the  
11 attorney general, the United States attorney or both, whenever the inspector general has reasonable  
12 grounds to believe there has been a violation of federal or state criminal law. The attorney general  
13 may institute appropriate proceedings, in the furtherance of completing an investigation and, if  
14 warranted, to refer a matter for prosecution.

15 (b) The inspector general shall refer audit or investigative findings to the state ethics  
16 commission, or to any other federal, state or local agency, which has an interest in said findings.

17 (c) Any referrals made under this section shall not be made public.

18 **42-9.4-12. Civil actions.**

19 The inspector general shall have the authority to institute a civil recovery action if  
20 authorized by the attorney general. In any case where the inspector general has discovered  
21 fraudulent acts and believes that civil recovery proceedings may be appropriate, the inspector  
22 general shall refer the matter to the attorney general. The attorney general may institute whatever  
23 proceedings they deem appropriate, may refer the matter to another state or local agency, may  
24 authorize the initiation of appropriate civil proceedings by the inspector general, may retain the  
25 matter for further investigation, or may remand the matter to the inspector general for further  
26 investigation.

27 **42-9.4-13. Annual and interim reports.**

28 (a) The office of inspector general shall, no later than April 1 of each year, prepare a report  
29 summarizing the activities of the office of inspector general for the prior calendar year. The office  
30 of inspector general may also prepare interim reports. These reports shall be forwarded to the  
31 governor, lieutenant governor, attorney general, secretary of state, general treasurer and the general  
32 assembly and shall be made available to the public.

33 (b) The report shall include, but not be limited to: a description of significant problems in  
34 the areas of fraud, waste and abuse within programs and operations within the jurisdiction of the

1 office; a description of the recommendations for corrective action made by the office during the  
2 reporting period with respect to significant deficiencies in the areas of fraud, waste and abuse; the  
3 identification of each significant recommendation described in previous annual reports on which  
4 corrective action has not been completed; a summary of matters referred to prosecuting authorities  
5 and the prosecutions and convictions which have resulted; a summary of any matters concerning  
6 the recovery of monies as a result of a civil suit by the office of inspector general or a referral to  
7 another agency for the purposes of such suit; a list of all audit reports completed by the office  
8 during the reporting period and a statement of recommendations of amendments to this chapter or  
9 the rules, regulations or procedures governing the office of inspector general which would improve  
10 the effectiveness or the operation of the office.

11 (c) The head or governing body of each public body may, within sixty (60) days of receipt  
12 of the report, comment upon any references to such public body contained within the report. Such  
13 comment, if any, shall be forwarded to the governor, the attorney general, the general assembly and  
14 the office of inspector general.

15 (d) The report of the inspector general shall be made public on the day of filing; provided,  
16 that the report shall not list the names of individuals or corporations, nor describe them with  
17 sufficient particularity as to readily identify them to the general public in those cases in which no  
18 official disposition has been made by the office of inspector general, the office of attorney general  
19 or the local office of the United States Attorney.

20 **42-9.4-14. Confidentiality of records.**

21 (a) All records of the office of inspector general shall be confidential and shall not be public  
22 records, unless it is necessary for the inspector general to make such records public in the  
23 performance of their duties.

24 (b) Violation of the provisions of the confidentiality of proceedings by the inspector general  
25 or any member of the staff, or by any member of the inspector general's office, shall be punished  
26 by imprisonment for not more than six (6) months or by a fine of not more than one thousand dollars  
27 (\$1,000).

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

=====  
LC000486  
=====

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 and abuse, and mismanagement in the  
3 expenditure of public funds, regardless of whether funds are from the state, federal or local  
4 governments. The inspector general would oversee all state programs and operations, as well as the  
5 procurement of supplies by state agencies.

6           This act would take effect upon passage.

=====  
LC000486  
=====